

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE SENATE

SENATE BILL NO. 1109

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-125, IDAHO CODE, TO PROVIDE FOR A FISCAL REPORT CARD; REPEALING SECTION 33-129, IDAHO CODE, RELATING TO MATCHING GRANTS FOR SCIENCE EDUCATION PROGRAMS; AMENDING SECTION 33-357, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN INTERNET BASED WEBSITE; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002A, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS AND EXCEPTIONAL EDUCATION SCHOOL SUPPORT UNITS; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS AND EXCEPTIONAL EDUCATION SCHOOL SUPPORT UNITS; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS AND EXCEPTIONAL EDUCATION SCHOOL SUPPORT UNITS; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS AND EXCEPTIONAL EDUCATION SCHOOL SUPPORT UNITS; AMENDING SECTION 33-1004, IDAHO CODE, TO REVISE A PROVISION RELATING TO STAFF ALLOWANCE COSTS OF PROVIDING VIRTUAL EDUCATION COURSEWORK; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISTRICT'S SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MEETING OBLIGATIONS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND TO SOCIAL SECURITY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004I, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PAY FOR PERFORMANCE, HARD TO FILL POSITIONS, LEADERSHIP AWARDS AND TO PROVIDE FOR DISTRIBUTION OF MONEYS; AMENDING SECTION 33-1020, IDAHO CODE, TO DELETE A PROVISION RELATING TO MONEYS DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1021, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE DISTRIBUTION OF MONEYS TO SCHOOL DISTRICTS FOR CERTAIN MATH AND SCIENCE COURSES; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1022, IDAHO CODE, TO PRO-

1 VIDE PROVISIONS RELATING TO PUBLIC SCHOOL TECHNOLOGY AND EXPENDITURES  
 2 OR DISTRIBUTIONS OF MONEYS FOR SUCH; AMENDING CHAPTER 16, TITLE 33,  
 3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626, IDAHO CODE, TO PRO-  
 4 VIDE PROVISIONS RELATING TO DUAL CREDIT; AMENDING CHAPTER 16, TITLE 33,  
 5 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627, IDAHO CODE, TO PRO-  
 6 VIDE PROVISIONS RELATING TO ONLINE COURSES AND MOBILE COMPUTING DEVICES  
 7 AND TO PROVIDE FOR CERTAIN EXPENDITURES OR DISTRIBUTIONS OF MONEYS;  
 8 AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING  
 9 TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208,  
 10 IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL  
 11 FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PRO-  
 12 VISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING  
 13 SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC  
 14 CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO  
 15 CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL  
 16 SUPPORT; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF  
 17 A NEW SECTION 33-5216, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO  
 18 PUBLIC POSTSECONDARY INSTITUTIONS BEING AUTHORIZED TO OPERATE PUBLIC  
 19 CHARTER HIGH SCHOOLS; TO PROVIDE THAT NOTHING IN THIS ACT SHALL PREVENT  
 20 THE LEGISLATURE FROM ADJUSTING COMPONENTS OF CERTAIN FUNDING FORMULAS  
 21 PURSUANT TO THE NEEDS OF PUBLIC SCHOOLS AND THE CONSTITUTIONAL REQUIRE-  
 22 MENT THAT THE STATE MAINTAIN A BALANCED BUDGET; PROVIDING SEVERABILITY;  
 23 AND PROVIDING EFFECTIVE DATES.

24 Be It Enacted by the Legislature of the State of Idaho:

25 SECTION 1. That Section 33-125, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 33-125. STATE DEPARTMENT OF EDUCATION -- CREATION -- DUTIES. There is  
 28 hereby established as an executive agency of the state board of education a  
 29 department known as the state department of education. The state superin-  
 30 tendent shall serve as the executive officer of such department and shall  
 31 have the responsibility for carrying out policies, procedures and duties au-  
 32 thorized by law or established by the state board of education for all ele-  
 33 mentary and secondary school matters, and to ~~administer grants for the pro-~~  
 34 ~~motion of science education as provided in sections 33-128 and 33-129, Idaho~~  
 35 ~~Code~~ post a fiscal report card on each school district and charter school on  
 36 the department's internet site. The department shall perform the duties as-  
 37 signed to it as specified in section 67-5745D, Idaho Code, relating to the  
 38 Idaho education network.

39 SECTION 2. That Section 33-129, Idaho Code, be, and the same is hereby  
 40 repealed.

41 SECTION 3. That Section 33-357, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 33-357. CREATION OF INTERNET BASED EXPENDITURE WEBSITE. (1) As used  
 44 in this section, unless otherwise required:

45 (a) "Education provider" means:

(i) A school district, including a specially chartered district organized and existing pursuant to law;

(ii) A cooperative services agency ~~or intermediate school district;~~

(iii) A public charter school authorized pursuant to state law;

(iv) A publicly funded governmental entity established by the state for the express purpose of providing online courses.

(b) "Entity" means a corporation, association, union, limited liability company, limited liability partnership, grantee, contractor, local government or other legal entity, including a nonprofit corporation or an employee of the education provider.

(c) "Public record" shall have the same meaning as set forth in chapter 3, title 9, Idaho Code.

(2) (a) No later than December 1, 2011, each education provider shall develop and maintain a publicly available website where the education provider's expenditures are posted in a nonsearchable PDF format, a searchable PDF format, a spreadsheet or in a database format.

(b) The internet based website shall include the following data concerning all expenditures made by the education provider:

(i) The name and location or address of the entity receiving monies;

(ii) The amount of expended moneys;

(iii) The date of the expenditure;

(iv) A description of the purpose of the expenditure, unless the expenditure is self-describing;

(v) Supporting contracts and performance reports upon which the expenditure is related when these documents already exist; and

(vi) To the extent possible, a unique identifier for each expenditure;

(vii) The annual budget approved by the education provider's governing board, to be posted within thirty (30) days after its approval; and

(viii) Any current master labor agreements approved by the education provider's governing board.

(c) The expenditure data shall be provided in an open structured data format that may be downloaded by the user.

(d) The internet based website shall contain only information that is a public record or that is not confidential or otherwise exempt from public disclosure pursuant to state or federal law.

(3) The education provider shall:

(a) Update the expenditures contained on the internet based website at least monthly;

(b) Archive all expenditures, which shall remain accessible and on the internet based website for a number of years, consistent with state law regarding keeping and retention of records;

(c) Make the internet based website easily accessible from the main page of the education provider's website; and

(d) The website shall include those records beginning on the effective date of this act on July 1, 2011, and all data prior to that date shall be available by way of a public records request.

SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

(d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;

(e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

(g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) ~~For expenditure as provided by the public school technology program as provided in section 33-1022, Idaho Code;~~

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) For dual credit courses as provided in section 33-1626, Idaho Code;

(m) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;

(n) For certificated employee severance payment reimbursement as provided in section 33-515B, Idaho Code;

(o) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and

(mp) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time

for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of primary support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

#### COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Units Allowed
41 or more . . . .	40 . . . . .	1 or more as computed
31 - 40.99 ADA . . . .	- . . . . .	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
<u>.01 - 7.99 ADA . . . .</u>	- . . . . .	count as elementary <u>primary</u>

#### COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

<u>Average Daily Attendance</u>	<u>Attendance Divisor</u>	<u>Minimum Units Allowed</u>
<u>80 or more ADA . . . . .</u>	<u>20 . . . . .</u>	<u>4.2</u>
<u>55 - 79.99 ADA . . . .</u>	<u>19 . . . . .</u>	<u>3.4</u>
<u>35.5 - 54.99 ADA . . . .</u>	<u>16 . . . . .</u>	<u>2.4</u>
<u>25.8 - 35.49 ADA . . . .</u>	<u>15 . . . . .</u>	<u>2.0</u>
<u>16.8 - 25.79 ADA . . . .</u>	<u>13 . . . . .</u>	<u>1.4</u>
<u>8.3 - 16.79 ADA . . . .</u>	<u>12 . . . . .</u>	<u>0.7</u>
<u>.01 - 8.29 ADA . . . .</u>	<u>n/a . . . . .</u>	<u>0.5</u>

## COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
300 or more ADA.....	.....	15
	..23...grades 4, 5 & 6....	
	..22...grades 1, 2 & 3....1994-95	
	..21...grades 1, 2 & 3....1995-96	
	..20...grades 1, 2 & 3....1996-97	
	— and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

## COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
150 or more ADA.....	24.25.....	7.1
80 - 149.99 ADA...	21.25.....	4.0
55 - 79.99 ADA...	20.25.....	3.2
35.5 - 54.99 ADA...	17.25.....	2.2
25.8 - 35.49 ADA...	16.25.....	1.8
16.8 - 25.79 ADA...	14.25.....	1.3
8.3 - 16.79 ADA...	13.25.....	0.6
.01 - 8.29 ADA...	n/a.....	0.5

## COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
750 or more ....	18.519.75.....	473.5
400 - 749.99 ADA....	167.25.....	285.4
300 - 399.99 ADA....	14.55.75.....	220.3
200 - 299.99 ADA....	13.54.75.....	175.1
100 - 199.99 ADA....	123.25.....	98
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	Grades 9-12	.....	6
4	<del>Grades 7-9</del>	<del>.....</del>	<del>1</del> per 14 ADA
5	Grades 7- 8	.....	1 per 1 <u>67.25</u> ADA

6 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

7	Average Daily		Minimum Units
8	Attendance	Attendance Divisor	Allowed
9	14 <u>5.75</u> or more ....	14- <u>5.75</u> .....	1 or more as
10			computed
11	12. <u>6</u> - <del>13.99</del> <u>5.74</u> .....	- .....	1
12	8. <u>4</u> - <del>11.99</del> <u>12.59</u> .....	- .....	.75
13	4. <u>2</u> - <del>7.99</del> <u>8.39</u> .....	- .....	.5
14	<u>.01</u> - <del>3.99</del> <u>4.19</u> .....	- .....	.25

15 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

16	Pupils in Attendance	Attendance Divisor	Minimum Units
17			Allowed
18	12 <u>3.25</u> or more.....	12 <u>3.25</u> .....	1 or more as
19			computed

20 In applying these tables to any given separate attendance unit, no  
 21 school district shall receive less total money than it would receive if it  
 22 had a lesser average daily attendance in such separate attendance unit. In  
 23 applying the kindergarten table to a kindergarten program of less days than a  
 24 full school year, the support unit allowance shall be in ratio to the number  
 25 of days of a full school year. No school district reporting any number of  
 26 students in average daily attendance for kindergarten through sixth grade  
 27 shall receive less than one (1.0) support unit for such. The tables for  
 28 exceptional education and alternative school secondary support units shall  
 29 be applicable only for programs approved by the state department of educa-  
 30 tion following rules established by the state board of education. Moneys  
 31 generated from computation of support units for alternative schools shall be  
 32 utilized for alternative school programs. School district administrative  
 33 and facility costs may be included as part of the alternative school expen-  
 34 ditures.

35 (5) State Distribution Factor per Support Unit. Divide educational  
 36 support program distribution funds, after subtracting the amounts necessary  
 37 to pay the obligations specified in subsection (2) of this section, by the  
 38 total state support units to secure the state distribution factor per sup-  
 39 port unit.

40 (6) District Support Units. The number of support units for each school  
 41 district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, primary, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 5. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:



1        33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
 2 gram is calculated as follows:

3        (1) State Educational Support Funds. Add the state appropriation, in-  
 4 cluding the moneys available in the public school income fund, together with  
 5 all miscellaneous revenues to determine the total state funds.

6        (2) From the total state funds subtract the following amounts needed  
 7 for state support of special programs provided by a school district:

8        (a) Pupil tuition-equivalency allowances as provided in section  
 9 33-1002B, Idaho Code;

10        (b) Transportation support program as provided in section 33-1006,  
 11 Idaho Code;

12        (c) Feasibility studies allowance as provided in section 33-1007A,  
 13 Idaho Code;

14        (d) The approved costs for border district allowance, provided in sec-  
 15 tion 33-1403, Idaho Code, as determined by the state superintendent of  
 16 public instruction;

17        (e) The approved costs for exceptional child approved contract al-  
 18 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
 19 determined by the state superintendent of public instruction;

20        (f) Certain expectant and delivered mothers allowance as provided in  
 21 section 33-2006, Idaho Code;

22        (g) Salary-based apportionment calculated as provided in sections  
 23 33-1004 through 33-1004F, Idaho Code;

24        (h) Unemployment insurance benefit payments according to the provi-  
 25 sions of section 72-1349A, Idaho Code;

26        (i) ~~For expenditure as provided by the public school technology program~~  
 27 as provided for in section 33-1022, Idaho Code;

28        (j) For employee severance payments as provided in section 33-521,  
 29 Idaho Code;

30        (k) For distributions to the Idaho digital learning academy as provided  
 31 in section 33-1020, Idaho Code;

32        (l) For dual credit courses as provided in section 33-1626, Idaho Code;

33        (m) For additional math and science courses for high school students as  
 34 provided in section 33-1021, Idaho Code;

35        (n) For costs associated with the online course requirement as provided  
 36 in section 33-1627, Idaho Code;

37        (o) For certificated employee severance payment reimbursement as pro-  
 38 vided in section 33-515B, Idaho Code;

39        (p) For pay for performance as provided in section 33-1004I, Idaho  
 40 Code;

41        (q) For the support of provisions that provide a safe environment con-  
 42 ductive to student learning and maintain classroom discipline, an allo-  
 43 cation of \$300 per support unit; and

44        ~~(mr)~~ Any additional amounts as required by statute to effect adminis-  
 45 trative adjustments or as specifically required by the provisions of  
 46 any bill of appropriation;

47 to secure the total educational support distribution funds.

48        (3) Average Daily Attendance. The total state average daily attendance  
 49 shall be the sum of the average daily attendance of all of the school dis-  
 50 tricts of the state. The state board of education shall establish rules set-

ting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of primary support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

#### COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Units Allowed
41 or more . . . .	40 . . . . .	1 or more as computed
31 - 40.99 ADA . . . .	- . . . . .	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
<u>.01 - 7.99 ADA . . . .</u>	- . . . . .	count as elementary <u>primary</u>

#### COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

<u>Average Daily Attendance</u>	<u>Attendance Divisor</u>	<u>Minimum Units Allowed</u>
<u>80 or more ADA . . . . .</u>	<u>20 . . . . .</u>	<u>4.2</u>
<u>55 - 79.99 ADA . . . .</u>	<u>19 . . . . .</u>	<u>3.4</u>
<u>35.5 - 54.99 ADA . . . .</u>	<u>16 . . . . .</u>	<u>2.4</u>
<u>25.8 - 35.49 ADA . . . .</u>	<u>15 . . . . .</u>	<u>2.0</u>
<u>16.8 - 25.79 ADA . . . .</u>	<u>13 . . . . .</u>	<u>1.4</u>
<u>8.3 - 16.79 ADA . . . .</u>	<u>12 . . . . .</u>	<u>0.7</u>
<u>.01 - 8.29 ADA . . . .</u>	<u>n/a . . . . .</u>	<u>0.5</u>

#### ~~COMPUTATION OF ELEMENTARY SUPPORT UNITS~~

<del>Average Daily Attendance</del>	<del>Attendance Divisor</del>	<del>Minimum Units Allowed</del>
<del>300 or more ADA . . . . .</del>	<del>..23..grades 4, 5 &amp; 6..</del>	<del>..15</del>
	<del>..22..grades 1, 2 &amp; 3....1994-95</del>	

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3		<del>..21...grades 1,2 &amp; 3....1995-96</del>	
4		<del>..20...grades 1,2 &amp; 3....1996-97</del>	
5		<del>— and each year thereafter.</del>	
6	<del>160 to 299.99 ADA...</del>	20.....	8.4
7	<del>110 to 159.99 ADA...</del>	19.....	6.8
8	<del>71.1 to 109.99 ADA...</del>	16.....	4.7
9	<del>51.7 to 71.0 ADA...</del>	15.....	4.0
10	<del>33.6 to 51.6 ADA...</del>	13.....	2.8
11	<del>16.6 to 33.5 ADA...</del>	12.....	1.4
12	<del>1.0 to 16.5 ADA...</del>	n/a.....	1.0

13 COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

14	Average Daily		Minimum Units
15	Attendance	Attendance Divisor	Allowed
16	<u>150 or more ADA.....</u>	<u>25.....</u>	<u>6.8</u>
17	<u>80 - 149.99 ADA...</u>	<u>22.....</u>	<u>3.8</u>
18	<u>55 - 79.99 ADA...</u>	<u>21.....</u>	<u>3.1</u>
19	<u>35.5 - 54.99 ADA...</u>	<u>18.....</u>	<u>2.1</u>
20	<u>25.8 - 35.49 ADA...</u>	<u>17.....</u>	<u>1.7</u>
21	<u>16.8 - 25.79 ADA...</u>	<u>15.....</u>	<u>1.2</u>
22	<u>8.3 - 16.79 ADA</u>	<u>14.....</u>	<u>0.6</u>
23	<u>.01 - 8.29 ADA...</u>	<u>n/a.....</u>	<u>0.5</u>

24 COMPUTATION OF SECONDARY SUPPORT UNITS

25	Average Daily		Minimum Units
26	Attendance	Attendance Divisor	Allowed
27	750 or more ....	<del>18.5</del> <u>20.7</u> .....	<del>47</del> <u>1.2</u>
28	400 - 749.99 ADA....	<del>16</del> <u>8.2</u> .....	<del>28</del> <u>4</u>
29	300 - 399.99 ADA....	<del>14.5</del> <u>6.7</u> .....	<del>22</del> <u>19.1</u>
30	200 - 299.99 ADA....	<del>13.5</del> <u>5.7</u> .....	<del>17</del> <u>4.1</u>
31	100 - 199.99 ADA....	<del>12</del> <u>4.2</u> .....	<del>9</del> <u>8</u>
32	99.99 or fewer	Units allowed as follows:	
33	Grades 7-12	.....	8
34	Grades 9-12	.....	6
35	<del>Grades 7-9</del>	.....	<del>1</del> per 14 ADA
36	Grades 7- 8	.....	1 per <del>16</del> <u>8.2</u> ADA

37 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	146.5 or more ....	146.5 .....	1 or more as
4			computed
5	123.7 - 13.996.49.....	- .....	1
6	89.4 - 11.993.69.....	- .....	.75
7	4.6 - 7.999.39.....	- .....	.5
8	.01 - 3.994.59.....	- .....	.25

9 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

10	Pupils in Attendance	Attendance Divisor	Minimum Units
11			Allowed
12	124 or more.....	124 .....	1 or more as
13			computed

14 In applying these tables to any given separate attendance unit, no  
 15 school district shall receive less total money than it would receive if it  
 16 had a lesser average daily attendance in such separate attendance unit. In  
 17 applying the kindergarten table to a kindergarten program of less days than a  
 18 full school year, the support unit allowance shall be in ratio to the number  
 19 of days of a full school year. No school district reporting any number of  
 20 students in average daily attendance for kindergarten through sixth grade  
 21 shall receive less than one (1.0) support unit for such. The tables for  
 22 exceptional education and alternative school secondary support units shall  
 23 be applicable only for programs approved by the state department of educa-  
 24 tion following rules established by the state board of education. Moneys  
 25 generated from computation of support units for alternative schools shall be  
 26 utilized for alternative school programs. School district administrative  
 27 and facility costs may be included as part of the alternative school expen-  
 28 ditures.

29 (5) State Distribution Factor per Support Unit. Divide educational  
 30 support program distribution funds, after subtracting the amounts necessary  
 31 to pay the obligations specified in subsection (2) of this section, by the  
 32 total state support units to secure the state distribution factor per sup-  
 33 port unit.

34 (6) District Support Units. The number of support units for each school  
 35 district in the state shall be determined as follows:

36 (a) (i) Divide the actual average daily attendance, excluding stu-  
 37 dents approved for inclusion in the exceptional child educational  
 38 program, for the administrative schools and each of the separate  
 39 schools and attendance units by the appropriate divisor from the  
 40 tables of support units in this section, then add the quotients  
 41 to obtain the district's support units allowance for regular stu-  
 42 dents, kindergarten through grade 12 including alternative school  
 43 secondary students. Calculations in application of this subsec-  
 44 tion shall be carried out to the nearest tenth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, primary, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 6. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

1 (b) Transportation support program as provided in section 33-1006,  
 2 Idaho Code;  
 3 (c) Feasibility studies allowance as provided in section 33-1007A,  
 4 Idaho Code;  
 5 (d) The approved costs for border district allowance, provided in sec-  
 6 tion 33-1403, Idaho Code, as determined by the state superintendent of  
 7 public instruction;  
 8 (e) The approved costs for exceptional child approved contract al-  
 9 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
 10 determined by the state superintendent of public instruction;  
 11 (f) Certain expectant and delivered mothers allowance as provided in  
 12 section 33-2006, Idaho Code;  
 13 (g) Salary-based apportionment calculated as provided in sections  
 14 33-1004 through 33-1004F, Idaho Code;  
 15 (h) Unemployment insurance benefit payments according to the provi-  
 16 sions of section 72-1349A, Idaho Code;  
 17 (i) For expenditure as provided by the public school technology program  
 18 as provided for in section 33-1022, Idaho Code;  
 19 (j) For employee severance payments as provided in section 33-521,  
 20 Idaho Code;  
 21 (k) For distributions to the Idaho digital learning academy as provided  
 22 in section 33-1020, Idaho Code;  
 23 (l) For dual credit courses as provided in section 33-1626, Idaho Code;  
 24 (m) For additional math and science courses for high school students as  
 25 provided in section 33-1021, Idaho Code;  
 26 (n) For costs associated with the online course requirement as provided  
 27 in section 33-1627, Idaho Code;  
 28 (o) For certificated employee severance payment reimbursement as pro-  
 29 vided in section 33-515B, Idaho Code;  
 30 (p) For pay for performance, hard to fill positions and leadership  
 31 awards as provided in section 33-1004I, Idaho Code;  
 32 (q) For the support of provisions that provide a safe environment con-  
 33 ductive to student learning and maintain classroom discipline, an allo-  
 34 cation of \$300 per support unit; and  
 35 (mr) Any additional amounts as required by statute to effect adminis-  
 36 trative adjustments or as specifically required by the provisions of  
 37 any bill of appropriation;  
 38 to secure the total educational support distribution funds.  
 39 (3) Average Daily Attendance. The total state average daily attendance  
 40 shall be the sum of the average daily attendance of all of the school dis-  
 41 tricts of the state. The state board of education shall establish rules set-  
 42 ting forth the procedure to determine average daily attendance and the time  
 43 for, and method of, submission of such report. Average daily attendance cal-  
 44 culation shall be carried out to the nearest hundredth. Computation of av-  
 45 erage daily attendance shall also be governed by the provisions of section  
 46 33-1003A, Idaho Code.  
 47 (4) Support Units. The total state support units shall be determined  
 48 by using the tables set out hereafter called computation of kindergarten  
 49 support units, computation of primary support units, computation of elemen-  
 50 tary support units, computation of secondary support units, computation of

exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

#### COMPUTATION OF KINDERGARTEN SUPPORT UNITS

##### Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more . . . .	40 . . . . .	1 or more as computed
31 - 40.99 ADA . . . .	- . . . . .	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
.01 - 7.99 ADA . . . .	- . . . . .	count as elementary primary

#### COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
80 or more ADA . . . . .	20 . . . . .	4.2
55 - 79.99 ADA . . . .	19 . . . . .	3.4
35.5 - 54.99 ADA . . . .	16 . . . . .	2.4
25.8 - 35.49 ADA . . . .	15 . . . . .	2.0
16.8 - 25.79 ADA . . . .	13 . . . . .	1.4
8.3 - 16.79 ADA . . . .	12 . . . . .	0.7
.01 - 8.29 ADA . . . .	n/a . . . . .	0.5

#### COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
<del>300 or more ADA . . . . .</del>	<del>..23 . . . . .</del>	<del>..15</del>
	<del>..23 . . . . . grades 4, 5 &amp; 6 . . . . .</del>	
	<del>..22 . . . . . grades 1, 2 &amp; 3 . . . . . 1994-95</del>	
	<del>..21 . . . . . grades 1, 2 &amp; 3 . . . . . 1995-96</del>	
	<del>..20 . . . . . grades 1, 2 &amp; 3 . . . . . 1996-97</del>	
	<del>— and each year thereafter .</del>	
<del>160 to 299.99 ADA . . . .</del>	<del>20 . . . . .</del>	<del>8.4</del>
<del>110 to 159.99 ADA . . . .</del>	<del>19 . . . . .</del>	<del>6.8</del>
<del>71.1 to 109.99 ADA . . . .</del>	<del>16 . . . . .</del>	<del>4.7</del>
<del>51.7 to 71.0 ADA . . . .</del>	<del>15 . . . . .</del>	<del>4.0</del>

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	<del>33.6 to 51.6 ADA...</del>	<del>13.....</del>	<del>2.8</del>
4	<del>16.6 to 33.5 ADA...</del>	<del>12.....</del>	<del>1.4</del>
5	<del>1.0 to 16.5 ADA...</del>	<del>n/a.....</del>	<del>1.0</del>

6                    COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

7	Average Daily		Minimum Units
8	Attendance	Attendance Divisor	Allowed
9	<u>150 or more ADA.....</u>	<u>25.....</u>	<u>6.8</u>
10	<u>80 - 149.99 ADA...</u>	<u>22.....</u>	<u>3.8</u>
11	<u>55 - 79.99 ADA...</u>	<u>21.....</u>	<u>3.1</u>
12	<u>35.5 - 54.99 ADA...</u>	<u>18.....</u>	<u>2.1</u>
13	<u>25.8 - 35.49 ADA...</u>	<u>17.....</u>	<u>1.7</u>
14	<u>16.8 - 25.79 ADA...</u>	<u>15.....</u>	<u>1.2</u>
15	<u>8.3 - 16.79 ADA</u>	<u>14.....</u>	<u>0.6</u>
16	<u>.01 - 8.29 ADA...</u>	<u>n/a.....</u>	<u>0.5</u>

17                    COMPUTATION OF SECONDARY SUPPORT UNITS

18	Average Daily		Minimum Units
19	Attendance	Attendance Divisor	Allowed
20	750 or more ....	<del>18.5</del> <u>20.8</u> .....	<del>471</del>
21	400 - 749.99 ADA....	<del>16</del> <u>8.3</u> .....	<del>28</del> <u>3.8</u>
22	300 - 399.99 ADA....	<del>14.5</del> <u>6.8</u> .....	<del>22</del> <u>19</u>
23	200 - 299.99 ADA....	<del>13.5</del> <u>5.8</u> .....	<del>17</del> <u>4</u>
24	100 - 199.99 ADA....	<del>12</del> <u>4.3</u> .....	<del>9</del> <u>8</u>
25	99.99 or fewer	Units allowed as follows:	
26	Grades 7-12	.....	8
27	Grades 9-12	.....	6
28	<del>Grades 7-9</del>	<del>.....</del>	<del>1</del> per 14 ADA
29	Grades 7- 8	.....	1 per 16 <u>8.3</u> ADA

30                    COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

31	Average Daily		Minimum Units
32	Attendance	Attendance Divisor	Allowed
33	<u>146.5</u> or more ....	<u>146.5</u> .....	1 or more as computed
34			
35	<u>123.7</u> - <del>13.99</del> <u>6.49</u> ....	- .....	1
36	<u>89.4</u> - <del>11.99</del> <u>3.69</u> ....	- .....	.75



1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	<u>4.6</u> - <del>7.99</del> <u>9.39</u> .....	- .....	.5
4	<u>.01</u> - <del>3.99</del> <u>4.59</u> .....	- .....	.25

5 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

6	Pupils in Attendance	Attendance Divisor	Minimum Units
7			Allowed
8	<u>124</u> or more.....	<u>124</u> .....	1 or more as
9			computed

10 In applying these tables to any given separate attendance unit, no  
 11 school district shall receive less total money than it would receive if it  
 12 had a lesser average daily attendance in such separate attendance unit. In  
 13 applying the kindergarten table to a kindergarten program of less days than a  
 14 full school year, the support unit allowance shall be in ratio to the number  
 15 of days of a full school year. No school district reporting any number of  
 16 students in average daily attendance for kindergarten through sixth grade  
 17 shall receive less than one (1.0) support unit for such. The tables for  
 18 exceptional education and alternative school secondary support units shall  
 19 be applicable only for programs approved by the state department of educa-  
 20 tion following rules established by the state board of education. Moneys  
 21 generated from computation of support units for alternative schools shall be  
 22 utilized for alternative school programs. School district administrative  
 23 and facility costs may be included as part of the alternative school expen-  
 24 ditures.

25 (5) State Distribution Factor per Support Unit. Divide educational  
 26 support program distribution funds, after subtracting the amounts necessary  
 27 to pay the obligations specified in subsection (2) of this section, by the  
 28 total state support units to secure the state distribution factor per sup-  
 29 port unit.

30 (6) District Support Units. The number of support units for each school  
 31 district in the state shall be determined as follows:

32 (a) (i) Divide the actual average daily attendance, excluding stu-  
 33 dents approved for inclusion in the exceptional child educational  
 34 program, for the administrative schools and each of the separate  
 35 schools and attendance units by the appropriate divisor from the  
 36 tables of support units in this section, then add the quotients  
 37 to obtain the district's support units allowance for regular stu-  
 38 dents, kindergarten through grade 12 including alternative school  
 39 secondary students. Calculations in application of this subsec-  
 40 tion shall be carried out to the nearest tenth.

41 (ii) Divide the combined totals of the average daily attendance  
 42 of all preschool, kindergarten, primary, elementary, secondary,  
 43 juvenile detention center students and students with disabilities  
 44 approved for inclusion in the exceptional child program of the  
 45 district by the appropriate divisor from the table for computa-  
 46 tion of exceptional education support units to obtain the number

of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 7. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

1 (d) The approved costs for border district allowance, provided in sec-  
 2 tion 33-1403, Idaho Code, as determined by the state superintendent of  
 3 public instruction;  
 4 (e) The approved costs for exceptional child approved contract al-  
 5 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
 6 determined by the state superintendent of public instruction;  
 7 (f) Certain expectant and delivered mothers allowance as provided in  
 8 section 33-2006, Idaho Code;  
 9 (g) Salary-based apportionment calculated as provided in sections  
 10 33-1004 through 33-1004F, Idaho Code;  
 11 (h) Unemployment insurance benefit payments according to the provi-  
 12 sions of section 72-1349A, Idaho Code;  
 13 (i) For expenditure as provided by the public school technology program  
 14 as provided for in section 33-1022, Idaho Code;  
 15 (j) For employee severance payments as provided in section 33-521,  
 16 Idaho Code;  
 17 (k) For distributions to the Idaho digital learning academy as provided  
 18 in section 33-1020, Idaho Code;  
 19 (l) For dual credit courses as provided in section 33-1626, Idaho Code;  
 20 (m) For additional math and science courses for high school students as  
 21 provided in section 33-1021, Idaho Code;  
 22 (n) For costs associated with the online course requirement as provided  
 23 in section 33-1627, Idaho Code;  
 24 (o) For certificated employee severance payment reimbursement as pro-  
 25 vided in section 33-515B, Idaho Code;  
 26 (p) For pay for performance, hard to fill positions and leadership  
 27 awards as provided in section 33-1004I, Idaho Code;  
 28 (q) For the support of provisions that provide a safe environment con-  
 29 ducive to student learning and maintain classroom discipline, an allo-  
 30 cation of \$300 per support unit; and  
 31 (mr) Any additional amounts as required by statute to effect adminis-  
 32 trative adjustments or as specifically required by the provisions of  
 33 any bill of appropriation;  
 34 to secure the total educational support distribution funds.  
 35 (3) Average Daily Attendance. The total state average daily attendance  
 36 shall be the sum of the average daily attendance of all of the school dis-  
 37 tricts of the state. The state board of education shall establish rules set-  
 38 ting forth the procedure to determine average daily attendance and the time  
 39 for, and method of, submission of such report. Average daily attendance cal-  
 40 culation shall be carried out to the nearest hundredth. Computation of av-  
 41 erage daily attendance shall also be governed by the provisions of section  
 42 33-1003A, Idaho Code.  
 43 (4) Support Units. The total state support units shall be determined  
 44 by using the tables set out hereafter called computation of kindergarten  
 45 support units, computation of primary support units, computation of elemen-  
 46 tary support units, computation of secondary support units, computation of  
 47 exceptional education support units, and computation of alternative school  
 48 secondary support units. The sum of all of the total support units of all  
 49 school districts of the state shall be the total state support units.

## COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily		
Attendance	Attendance Divisor	Units Allowed
41 or more . . . .	40 . . . . .	1 or more as computed
31 - 40.99 ADA . . . .	- . . . . .	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
.01 - 7.99 ADA . . . .	- . . . . .	count as elementary primary

## COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
80 or more ADA . . . . .	20 . . . . .	4.2
55 - 79.99 ADA . . . .	19 . . . . .	3.4
35.5 - 54.99 ADA . . . .	16 . . . . .	2.4
25.8 - 35.49 ADA . . . .	15 . . . . .	2.0
16.8 - 25.79 ADA . . . .	13 . . . . .	1.4
8.3 - 16.79 ADA . . . .	12 . . . . .	0.7
.01 - 8.29 ADA . . . .	n/a . . . . .	0.5

## COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
<del>300 or more ADA . . . . .</del>	<del>..23...grades 4, 5 &amp; 6....</del>	<del>..15</del>
	<del>..22...grades 1, 2 &amp; 3....1994-95</del>	
	<del>..21...grades 1, 2 &amp; 3....1995-96</del>	
	<del>..20...grades 1, 2 &amp; 3....1996-97</del>	
	<del>— and each year thereafter.</del>	
<del>160 to 299.99 ADA . . . .</del>	<del>20 . . . . .</del>	<del>8.4</del>
<del>110 to 159.99 ADA . . . .</del>	<del>19 . . . . .</del>	<del>6.8</del>
<del>71.1 to 109.99 ADA . . . .</del>	<del>16 . . . . .</del>	<del>4.7</del>
<del>51.7 to 71.0 ADA . . . .</del>	<del>15 . . . . .</del>	<del>4.0</del>
<del>33.6 to 51.6 ADA . . . .</del>	<del>13 . . . . .</del>	<del>2.8</del>
<del>16.6 to 33.5 ADA . . . .</del>	<del>12 . . . . .</del>	<del>1.4</del>
<del>1.0 to 16.5 ADA . . . .</del>	<del>n/a . . . . .</del>	<del>1.0</del>

## COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
150 or more ADA.....	25.....	6.8
80 - 149.99 ADA...	22.....	3.8
55 - 79.99 ADA...	21.....	3.1
35.5 - 54.99 ADA...	18.....	2.1
25.8 - 35.49 ADA...	17.....	1.7
16.8 - 25.79 ADA...	15.....	1.2
8.3 - 16.79 ADA	14.....	0.6
.01 - 8.29 ADA...	n/a.....	0.5

## COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
750 or more ....	<del>18.5</del> 20.9.....	470.8
400 - 749.99 ADA....	<del>168.4</del> .....	283.7
300 - 399.99 ADA....	<del>14.5</del> 6.9.....	2218.9
200 - 299.99 ADA....	<del>13.5</del> 5.9.....	173.9
100 - 199.99 ADA....	<del>124.4</del> .....	98
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
<del>Grades 7-9</del>	.....	<del>1</del> per 14 ADA
Grades 7- 8	.....	1 per <del>168.4</del> ADA

## COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
146.5 or more ....	146.5.....	1 or more as computed
<del>123.7</del> - <del>13.9</del> 6.49.....	--.....	1
<del>89.4</del> - <del>11.9</del> 3.69.....	--.....	.75
<del>4.6</del> - <del>7.9</del> 9.39.....	--.....	.5
<del>.01</del> - <del>3.9</del> 4.59.....	--.....	.25

## COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

Pupils in Attendance	Attendance Divisor	Minimum Units
		Allowed

1 124 or more..... 124..... 1 or more as  
 2 computed

3 In applying these tables to any given separate attendance unit, no  
 4 school district shall receive less total money than it would receive if it  
 5 had a lesser average daily attendance in such separate attendance unit. In  
 6 applying the kindergarten table to a kindergarten program of less days than a  
 7 full school year, the support unit allowance shall be in ratio to the number  
 8 of days of a full school year. No school district reporting any number of  
 9 students in average daily attendance for kindergarten through sixth grade  
 10 shall receive less than one (1.0) support units for such. The tables for  
 11 exceptional education and alternative school secondary support units shall  
 12 be applicable only for programs approved by the state department of educa-  
 13 tion following rules established by the state board of education. Moneys  
 14 generated from computation of support units for alternative schools shall be  
 15 utilized for alternative school programs. School district administrative  
 16 and facility costs may be included as part of the alternative school expen-  
 17 ditures.

18 (5) State Distribution Factor per Support Unit. Divide educational  
 19 support program distribution funds, after subtracting the amounts necessary  
 20 to pay the obligations specified in subsection (2) of this section, by the  
 21 total state support units to secure the state distribution factor per sup-  
 22 port unit.

23 (6) District Support Units. The number of support units for each school  
 24 district in the state shall be determined as follows:

25 (a) (i) Divide the actual average daily attendance, excluding stu-  
 26 dents approved for inclusion in the exceptional child educational  
 27 program, for the administrative schools and each of the separate  
 28 schools and attendance units by the appropriate divisor from the  
 29 tables of support units in this section, then add the quotients  
 30 to obtain the district's support units allowance for regular stu-  
 31 dents, kindergarten through grade 12 including alternative school  
 32 secondary students. Calculations in application of this subsec-  
 33 tion shall be carried out to the nearest tenth.

34 (ii) Divide the combined totals of the average daily attendance  
 35 of all preschool, kindergarten, primary, elementary, secondary,  
 36 juvenile detention center students and students with disabilities  
 37 approved for inclusion in the exceptional child program of the  
 38 district by the appropriate divisor from the table for computa-  
 39 tion of exceptional education support units to obtain the number  
 40 of support units allowed for the district's approved exceptional  
 41 child program. Calculations for this subsection shall be carried  
 42 out to the nearest tenth when more than one (1) unit is allowed.

43 (iii) The total number of support units of the district shall be  
 44 the sum of the total support units for regular students, subsec-  
 45 tion (6) (a) (i) of this section, and the support units allowance  
 46 for the approved exceptional child program, subsection (6) (a) (ii)  
 47 of this section.

48 (b) Total District Allowance Educational Program. Multiply the dis-  
 49 trict's total number of support units, carried out to the nearest tenth,

1 by the state distribution factor per support unit and to this product  
 2 add the approved amount of programs of the district provided in subsec-  
 3 tion (2) of this section to secure the district's total allowance for  
 4 the educational support program.

5 (c) District Share. The district's share of state apportionment is the  
 6 amount of the total district allowance, subsection (6) (b) of this sec-  
 7 tion.

8 (d) Adjustment of District Share. The contract salary of every noncer-  
 9 tificated teacher shall be subtracted from the district's share as cal-  
 10 culated from the provisions of subsection (6) (c) of this section.

11 (7) Property Tax Computation Ratio. In order to receive state funds  
 12 pursuant to this section a charter district shall utilize a school mainte-  
 13 nance and operation property tax computation ratio for the purpose of cal-  
 14 culating its maintenance and operation levy, that is no greater than that  
 15 which it utilized in tax year 1994, less four-tenths of one percent (.4%). As  
 16 used herein, the term "property tax computation ratio" shall mean a ratio de-  
 17 termined by dividing the district's certified property tax maintenance and  
 18 operation budget by the actual or adjusted market value for assessment pur-  
 19 poses as such values existed on December 31, 1993. Such maintenance and op-  
 20 eration levy shall be based on the property tax computation ratio multiplied  
 21 by the actual or adjusted market value for assessment purposes as such values  
 22 existed on December 31 of the prior calendar year.

23 SECTION 8. That Section 33-1002, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
 26 gram is calculated as follows:

27 (1) State Educational Support Funds. Add the state appropriation, in-  
 28 cluding the moneys available in the public school income fund, together with  
 29 all miscellaneous revenues to determine the total state funds.

30 (2) From the total state funds subtract the following amounts needed  
 31 for state support of special programs provided by a school district:

32 (a) Pupil tuition-equivalency allowances as provided in section  
 33 33-1002B, Idaho Code;

34 (b) Transportation support program as provided in section 33-1006,  
 35 Idaho Code;

36 (c) Feasibility studies allowance as provided in section 33-1007A,  
 37 Idaho Code;

38 (d) The approved costs for border district allowance, provided in sec-  
 39 tion 33-1403, Idaho Code, as determined by the state superintendent of  
 40 public instruction;

41 (e) The approved costs for exceptional child approved contract al-  
 42 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
 43 determined by the state superintendent of public instruction;

44 (f) Certain expectant and delivered mothers allowance as provided in  
 45 section 33-2006, Idaho Code;

46 (g) Salary-based apportionment calculated as provided in sections  
 47 33-1004 through 33-1004F, Idaho Code;

48 (h) Unemployment insurance benefit payments according to the provi-  
 49 sions of section 72-1349A, Idaho Code;

1       (i) ~~For expenditure as provided by the public school technology program~~  
 2       as provided for in section 33-1022, Idaho Code;  
 3       (j) For employee severance payments as provided in section 33-521,  
 4       Idaho Code;  
 5       (k) For distributions to the Idaho digital learning academy as provided  
 6       in section 33-1020, Idaho Code;  
 7       (l) For dual credit courses as provided in section 33-1626, Idaho Code;  
 8       (m) For additional math and science courses for high school students as  
 9       provided in section 33-1021, Idaho Code;  
 10       (n) For costs associated with the online course requirement as provided  
 11       in section 33-1627, Idaho Code;  
 12       (o) For certificated employee severance payment reimbursement as pro-  
 13       vided in section 33-515B, Idaho Code;  
 14       (p) For pay for performance, hard to fill positions and leadership  
 15       awards as provided in section 33-1004I, Idaho Code;  
 16       (q) For the support of provisions that provide a safe environment con-  
 17       ducive to student learning and maintain classroom discipline, an allo-  
 18       cation of \$300 per support unit; and  
 19       (m~~r~~) Any additional amounts as required by statute to effect adminis-  
 20       trative adjustments or as specifically required by the provisions of  
 21       any bill of appropriation;  
 22       to secure the total educational support distribution funds.

23       (3) Average Daily Attendance. The total state average daily attendance  
 24       shall be the sum of the average daily attendance of all of the school dis-  
 25       tricts of the state. The state board of education shall establish rules set-  
 26       ting forth the procedure to determine average daily attendance and the time  
 27       for, and method of, submission of such report. Average daily attendance cal-  
 28       culation shall be carried out to the nearest hundredth. Computation of av-  
 29       erage daily attendance shall also be governed by the provisions of section  
 30       33-1003A, Idaho Code.

31       (4) Support Units. The total state support units shall be determined  
 32       by using the tables set out hereafter called computation of kindergarten  
 33       support units, computation of primary support units, computation of elemen-  
 34       tary support units, computation of secondary support units, computation of  
 35       exceptional education support units, and computation of alternative school  
 36       secondary support units. The sum of all of the total support units of all  
 37       school districts of the state shall be the total state support units.

#### 38                                   COMPUTATION OF KINDERGARTEN SUPPORT UNITS

39   Average Daily		
40   Attendance	Attendance Divisor	Units Allowed
41   41 or more ....	40.....	1 or more as computed
42   31 - 40.99 ADA....	-.....	1
43   26 - 30.99 ADA....	-.....	.85
44   Average Daily		
45   Attendance	Attendance Divisor	Units Allowed
46   21 - 25.99 ADA....	-.....	.75



1	16 - 20.99 ADA....	-.....	.6
2	8 - 15.99 ADA....	-.....	.5
3	.01 - 7.99 ADA....	-.....	count as elementary
4			<u>primary</u>

5                    COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

6	<u>Average Daily</u>		<u>Minimum Units</u>
7	<u>Attendance</u>	<u>Attendance Divisor</u>	<u>Allowed</u>
8	<u>80 or more ADA.....</u>	<u>20.....</u>	<u>4.2</u>
9	<u>55 - 79.99 ADA...</u>	<u>19.....</u>	<u>3.4</u>
10	<u>35.5 - 54.99 ADA...</u>	<u>16.....</u>	<u>2.4</u>
11	<u>25.8 - 35.49 ADA...</u>	<u>15.....</u>	<u>2.0</u>
12	<u>16.8 - 25.79 ADA...</u>	<u>13.....</u>	<u>1.4</u>
13	<u>8.3 - 16.79 ADA...</u>	<u>12.....</u>	<u>0.7</u>
14	<u>.01 - 8.29 ADA...</u>	<u>n/a.....</u>	<u>0.5</u>

15                    COMPUTATION OF ELEMENTARY SUPPORT UNITS

16	<u>Average Daily</u>		<u>Minimum Units</u>
17	<u>Attendance</u>	<u>Attendance Divisor</u>	<u>Allowed</u>
18	<u>300 or more ADA.....</u>	<u>.....</u>	<u>15</u>
19		<u>..23...grades 4, 5 &amp; 6....</u>	
20		<u>..22...grades 1, 2 &amp; 3....1994-95</u>	
21		<u>..21...grades 1, 2 &amp; 3....1995-96</u>	
22		<u>..20...grades 1, 2 &amp; 3....1996-97</u>	
23		<u>— and each year thereafter.</u>	
24	<u>160 to 299.99 ADA...</u>	<u>20.....</u>	<u>8.4</u>
25	<u>110 to 159.99 ADA...</u>	<u>19.....</u>	<u>6.8</u>
26	<u>71.1 to 109.99 ADA...</u>	<u>16.....</u>	<u>4.7</u>
27	<u>51.7 to 71.0 ADA...</u>	<u>15.....</u>	<u>4.0</u>
28	<u>33.6 to 51.6 ADA...</u>	<u>13.....</u>	<u>2.8</u>
29	<u>16.6 to 33.5 ADA...</u>	<u>12.....</u>	<u>1.4</u>
30	<u>1.0 to 16.5 ADA...</u>	<u>n/a.....</u>	<u>1.0</u>

31                    COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

32	<u>Average Daily</u>		<u>Minimum Units</u>
33	<u>Attendance</u>	<u>Attendance Divisor</u>	<u>Allowed</u>
34	<u>150 or more ADA.....</u>	<u>25.....</u>	<u>6.8</u>
35	<u>80 - 149.99 ADA...</u>	<u>22.....</u>	<u>3.8</u>
36	<u>55 - 79.99 ADA...</u>	<u>21.....</u>	<u>3.1</u>

1	<u>35.5 - 54.99 ADA...</u>	<u>18</u> .....	<u>2.1</u>
2	<u>25.8 - 35.49 ADA...</u>	<u>17</u> .....	<u>1.7</u>
3	<u>16.8 - 25.79 ADA...</u>	<u>15</u> .....	<u>1.2</u>
4	<u>8.3 - 16.79 ADA</u>	<u>14</u> .....	<u>0.6</u>
5	<u>.01 - 8.29 ADA...</u>	<u>n/a</u> .....	<u>0.5</u>

6 COMPUTATION OF SECONDARY SUPPORT UNITS

7	Average Daily		Minimum Units
8	Attendance	Attendance Divisor	Allowed
9	750 or more ....	<u>18.521</u> .....	<u>470.5</u>
10	400 - 749.99 ADA....	<u>168.5</u> .....	<u>283.5</u>
11	300 - 399.99 ADA....	<u>14.57</u> .....	<u>2218.7</u>
12	200 - 299.99 ADA....	<u>13.56</u> .....	<u>173.8</u>
13	100 - 199.99 ADA....	<u>124.5</u> .....	<u>98</u>
14	99.99 or fewer	Units allowed as follows:	
15	Grades 7-12	.....	8
16	Grades 9-12	.....	6
17	<del>Grades 7-9</del>	.....	<del>1 per 14 ADA</del>
18	Grades 7- 8	.....	1 per <u>168.5</u> ADA

19 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

20	Average Daily		Minimum Units
21	Attendance	Attendance Divisor	Allowed
22	<u>146.5</u> or more ....	<u>146.5</u> .....	1 or more as computed
23			
24	<u>123.7 - 13.996.49</u> ....	- .....	1
25	<u>89.4 - 11.993.69</u> ....	- .....	.75
26	<u>4.6 - 7.999.39</u> ....	- .....	.5
27	<u>.01 - 3.94.59</u> ....	- .....	.25

28 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

29	Pupils in Attendance	Attendance Divisor	Minimum Units
30			Allowed
31	<u>124</u> or more.....	<u>124</u> .....	1 or more as computed
32			

33 In applying these tables to any given separate attendance unit, no  
 34 school district shall receive less total money than it would receive if it  
 35 had a lesser average daily attendance in such separate attendance unit. In  
 36 applying the kindergarten table to a kindergarten program of less days than a  
 37 full school year, the support unit allowance shall be in ratio to the number

of days of a full school year. No school district reporting any number of students in average daily attendance for kindergarten through sixth grade shall receive less than one (1.0) support units for such. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, primary, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 9. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1002A, Idaho Code, and to read as follows:

33-1002A. FRACTIONAL AVERAGE DAILY ATTENDANCE. (1) For students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter school is not the content provider, attendance shall be counted and divided based on the portion of the student's daily attendance time that is spent in attendance at each school district, public charter school or online course. This provision shall not apply to:

(a) An online course in which the school district or public charter school has a contract in place for the provision of online courses.

(b) Any online course which causes the total number of courses in which a student is enrolled to exceed the maximum number of periods of instruction offered at the school in which the student is enrolled. If a student is enrolled in multiple online courses and one (1) or more online course falls within this limitation and one (1) or more fall beyond it, then the most expensive courses shall be subject to fractional average daily attendance. School districts and public charter schools may choose to pay for any online courses that fall beyond the limitation of this paragraph, at their discretion. The parents or guardians of students shall be responsible for paying the cost of any online courses in which the student is enrolled beyond the limitation of this paragraph, unless such cost has been paid by the student's school district or public charter school.

(2) For online courses subject to fractional counting and division, the average daily attendance shall be counted and funded as part of the student's home school district or public charter school attendance. However, the state department of education shall identify the fraction attributable to such attendance for each student and furnish the home school district or public charter school with a dollar amount of funding attributable to each such fraction. The home school district or public charter school shall then remit two-thirds (2/3) of such amount to each online course content provider.

(3) For the purposes of this section and section 33-1627, Idaho Code, the term "online course" means a course which delivers a sequential program of synchronous and/or asynchronous instruction primarily through the use of technology, in which the instructor is not physically located at the school or place in which the student is receiving instruction. Nothing in this definition shall prohibit a blended course that includes face-to-face, in person instruction, provided that a majority of the instruction is delivered as stated herein.

SECTION 10. That Section 33-1002C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SECONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary summer school programs of not less than two hundred twenty-five (225) hours of instruction, which shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code, may be established as approved by the state board of education. The average daily attendance divided by forty-two and one-half (42.5) shall determine the number of allowable support units which shall be included in the alternative school secondary support units calculated for the school district for the succeeding school term.

(2) Districts which educate pupils placed by court order in a juvenile detention facility may establish a summer school program which shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code. The average daily attendance divided by forty-two and one-half (42.5) shall determine the number of allowable support units which shall be included in the exceptional education school support units calculated for the school district for the succeeding school term.

(3) Average daily attendance and the support units so generated by this section shall not be included in or subject to the provisions of section 33-1003, Idaho Code, and shall be included as an addition to any other support units generated pursuant to Idaho Code.

SECTION 11. That Section 33-1002C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SECONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary summer school programs of not less than two hundred twenty-five (225) hours of instruction, which shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code, may be established as approved by the state board of education. The average daily attendance divided by forty-five (45) shall determine the number of allowable support units which shall be included in the alternative school secondary support units calculated for the school district for the succeeding school term.

(2) Districts which educate pupils placed by court order in a juvenile detention facility may establish a summer school program which shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code. The average daily attendance divided by forty-five (45) shall determine the number of allowable support units which shall be

1 included in the exceptional education school support units calculated for  
2 the school district for the succeeding school term.

3 (3) Average daily attendance and the support units so generated by this  
4 section shall not be included in or subject to the provisions of section  
5 33-1003, Idaho Code, and shall be included as an addition to any other sup-  
6 port units generated pursuant to Idaho Code.

7 SECTION 12. That Section 33-1002C, Idaho Code, be, and the same is  
8 hereby amended to read as follows:

9 33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SEC-  
10 ONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary  
11 summer school programs of not less than two hundred twenty-five (225) hours  
12 of instruction, which shall be included in the educational support units  
13 calculated as provided in section 33-1002, Idaho Code, may be established  
14 as approved by the state board of education. The average daily attendance  
15 divided by forty-seven and one-half (407.5) shall determine the number of  
16 allowable support units which shall be included in the alternative school  
17 secondary support units calculated for the school district for the succeed-  
18 ing school term.

19 (2) Districts which educate pupils placed by court order in a juvenile  
20 detention facility may establish a summer school program which shall be in-  
21 cluded in the educational support units calculated as provided in section  
22 33-1002, Idaho Code. The average daily attendance divided by forty-seven  
23 and one-half (407.5) shall determine the number of allowable support units  
24 which shall be included in the exceptional education school support units  
25 calculated for the school district for the succeeding school term.

26 (3) Average daily attendance and the support units so generated by this  
27 section shall not be included in or subject to the provisions of section  
28 33-1003, Idaho Code, and shall be included as an addition to any other sup-  
29 port units generated pursuant to Idaho Code.

30 SECTION 13. That Section 33-1002C, Idaho Code, be, and the same is  
31 hereby amended to read as follows:

32 33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SEC-  
33 ONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary  
34 summer school programs of not less than two hundred twenty-five (225) hours  
35 of instruction, which shall be included in the educational support units  
36 calculated as provided in section 33-1002, Idaho Code, may be established  
37 as approved by the state board of education. The average daily attendance  
38 divided by ~~forty~~ fifty (450) shall determine the number of allowable support  
39 units which shall be included in the alternative school secondary support  
40 units calculated for the school district for the succeeding school term.

41 (2) Districts which educate pupils placed by court order in a juvenile  
42 detention facility may establish a summer school program which shall be in-  
43 cluded in the educational support units calculated as provided in section  
44 33-1002, Idaho Code. The average daily attendance divided by ~~forty~~ fifty  
45 (450) shall determine the number of allowable support units which shall be  
46 included in the exceptional education school support units calculated for  
47 the school district for the succeeding school term.

(3) Average daily attendance and the support units so generated by this section shall not be included in or subject to the provisions of section 33-1003, Idaho Code, and shall be included as an addition to any other support units generated pursuant to Idaho Code.

SECTION 14. That Section 33-1004, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be determined as follows:

(1) Using the daily attendance reports that have been submitted for computing the February 15 apportionment of state funds as provided in section 33-1009, Idaho Code, determine the total support units for the district in the manner provided in section 33-1002(6)(a), Idaho Code;

(2) Determine the instructional staff allowance by multiplying the support units by 1.1. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (5)(f) and (g) of this section. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed, except as provided in subsection (5)(f) and (g) of this section;

(3) Determine the administrative staff allowance by multiplying the support units by .075;

(4) Determine the classified staff allowance by multiplying the support units by .375;

(5) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3) and (4) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted in the staff allowance. A "nondistrict employee" means a person for whom the school district does not pay the employer's obligations for employee benefits. When a district contracts for the services of a nondistrict employee, only the salary portion of the contract shall be allowable for computations.

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2) and (3) of this section, an appeal may be filed with the state department of education outlining the reasons and proposed alternative use of these funds, and a waiver may be granted.

(c) For any district with less than forty (40) support units:

(i) The instructional staff allowance shall be calculated applying the actual number of support units. If the actual instructional staff employed in the school year is greater than the instructional staff allowance, then the instructional staff allowance shall be increased by one-half (1/2) staff allowance; and

(ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calcu-

lated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in paragraphs (i) and (ii) of this subsection, and by an additional one-half (1/2) instructional staff allowance.

(d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, administrative and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(f) A district may utilize up to ~~five~~ fifteen percent (15%) of the monies associated with positions funded pursuant to subsection (2) of this section to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.

(g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up to five percent (5%) of the positions funded pursuant to subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.

(6) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

SECTION 15. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

	MA				MA + 12	MA + 24	MA + 36
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290



1	4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
2	5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
3	6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
4	7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
5	8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
6	9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
7	10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
8	11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
9	12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
10	13 or							
11	more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus ~~two~~ one (21); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. For the time period July 1, 2010~~1~~, through June 30, 2014~~2~~, instructional and administrative staff shall not advance on the education portion of the multiplier table.

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

SECTION 16. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

	MA	MA + 12	MA + 24	MA + 36				
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710	
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220	
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980	
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990	
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260	

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus ~~two~~ one (21); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. ~~For the time period July 1, 2010, through June 30, 2011, instructional and administrative staff shall not advance on the education portion of the multiplier table.~~

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff

multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

SECTION 17. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

	MA				MA + 12	MA + 24	MA + 36
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, ~~minus two (2); provided however, that the experience factor cannot be less than zero (0).~~

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course

1 shall be counted as transcribed credit. Instructional staff whose initial  
 2 certificate is an occupational specialist certificate shall be treated as  
 3 BA degree prepared instructional staff. Credits earned by such occupational  
 4 specialist instructional staff after initial certification shall be cred-  
 5 ited toward the education factor. ~~For the time period July 1, 2010, through~~  
 6 ~~June 30, 2011, instructional and administrative staff shall not advance on~~  
 7 ~~the education portion of the multiplier table.~~

8 In determining the statewide average multiplier for instructional  
 9 staff, no multiplier in excess of 1.59092 shall be used. If the actual  
 10 statewide average multiplier for instructional staff, as determined by this  
 11 section, exceeds 1.59092, then each school district's instructional staff  
 12 multiplier shall be multiplied by the result of 1.59092 divided by the actual  
 13 statewide average multiplier for instructional staff.

14 In determining the statewide average multiplier for administrative  
 15 staff, no multiplier in excess of 1.86643 shall be used. If the actual  
 16 statewide average multiplier for administrative staff, as determined by  
 17 this section, exceeds 1.86643, then each school district's administrative  
 18 staff multiplier shall be multiplied by the result of 1.86643 divided by the  
 19 actual statewide average multiplier for administrative staff.

20 SECTION 18. That Section 33-1004E, Idaho Code, be, and the same is  
 21 hereby amended to read as follows:

22 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall  
 23 be entitled to a salary-based apportionment calculated as provided in this  
 24 section.

25 1. To determine the apportionment for instructional staff, first de-  
 26 termine the district average experience and education index by placing all  
 27 eligible district certificated instructional employees on the statewide  
 28 index provided in section 33-1004A, Idaho Code. The resulting average is the  
 29 district index. ~~Districts with an index above the state average index shall~~  
 30 ~~receive their actual index but not more than the state average plus .03 for~~  
 31 ~~the 1994-95 school year, and shall receive their actual index but not more~~  
 32 ~~than the state average plus .06 for the 1995-96 school year, and thereafter~~  
 33 ~~shall receive their actual district index.~~ The district instructional staff  
 34 index shall be multiplied by the instructional base salary of \$23,565. The  
 35 amount so determined shall be multiplied by the district staff allowance  
 36 for instructional staff determined as provided in section 33-1004(2), Idaho  
 37 Code. The instructional salary allocation shall be further increased by the  
 38 amount necessary for each full-time equivalent instructional staff member  
 39 placed on the experience and education index to be allocated at least the  
 40 minimum salary mandated by this section. Full-time instructional staff  
 41 salaries shall be determined from a salary schedule developed by each dis-  
 42 trict and submitted to the state department of education. No full-time  
 43 instructional staff member shall be paid less than \$29,65530,000. ~~If an~~  
 44 ~~instructional staff member has been certified by the national board for~~  
 45 ~~professional teaching standards, the staff member shall be designated as~~  
 46 ~~a master teacher and receive \$2,000 per year for five (5) years. The in-~~  
 47 ~~structional salary shall be increased by \$2,000 for each master teacher~~  
 48 ~~provided however, that no such awards shall be paid for the period July 1,~~  
 49 ~~2010, through June 30, 2011, nor shall any liabilities accrue or payments~~

~~be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year. After the base and minimum salaries established pursuant to this subsection have reached the amounts that were in effect in fiscal year 2009, all further increases to these base and minimum salaries shall be allocated such that the percentage increase in the minimum salary is one and one-half (1.5) times the percentage increase in the base salary.~~

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. ~~Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index.~~ The district administrative staff index shall be multiplied by the base salary of \$32,441. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$19,041 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 19. That Section 33-1004F, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004F. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS. ~~1.~~ Based upon the actual salary-based apportionment, as determined in section 33-1004E, Idaho Code, plus distributions made pursuant to section 33-1004I, Idaho Code, there shall be allocated that amount required to meet the employer's obligations to the public employee retirement system and to social security.

~~2. If a district's qualifying salaries total more than the district's salary-based apportionment, there shall be allocated an additional amount to meet the employer's obligation to the public employee retirement system and to social security equal to two-thirds (2/3) of the additional obligation for the school year 1994-95. If a district's qualifying salaries total more than the district's salary-based apportionment, there shall be allocated an additional amount to meet the employer's obligation to the public employee retirement system and to social security equal to one-third (1/3) of the additional obligation for the school year 1995-96. Thereafter, the~~

~~benefit allocation shall be based solely upon the provisions of subsection 1. of this section.~~

SECTION 20. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1004I, Idaho Code, and to read as follows:

33-1004I. PAY FOR PERFORMANCE -- HARD TO FILL POSITIONS -- LEADERSHIP AWARDS. (1) In addition to the moneys provided pursuant to the calculations for salary-based apportionment, the following amounts shall be distributed and paid, from the moneys appropriated to the educational support program, subject to the criteria contained in this section:

(a) For fiscal year 2013, an amount equal to five hundred seven (507) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsection (2) of this section.

(b) For fiscal year 2014, an amount equal to six hundred eighty (680) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, in the following proportions:

(i) Seventy-four and one-tenth percent (74.1%) pursuant to subsection (2) of this section;

(ii) Seven and four-tenths percent (7.4%) pursuant to subsection (3) of this section;

(iii) Eighteen and one-half percent (18.5%) pursuant to subsection (4) of this section.

(c) For fiscal year 2015 and each fiscal year thereafter, an amount equal to six hundred eighty (680) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, plus fifty percent (50%) of any moneys appropriated for increased pay for certificated staff beyond the amount needed to fund the base and minimum instructional salaries, pursuant to section 33-1004E, Idaho Code, that were in effect during fiscal year 2009. Such distributions made pursuant to subsections (2), (3) and (4) of this section shall be made according to the allocations established in subsection (1) (b) of this section.

(d) The provision in subsection (1) (c) of this section that directs that fifty percent (50%) of certain moneys be distributed pursuant to subsections (2), (3) and (4) of this section shall be effective until such time as fifteen percent (15%) of the total moneys appropriated for certificated staff salaries are being distributed pursuant to this section. After this allocation is attained, fifteen percent (15%) of the total moneys appropriated for certificated staff salaries shall be distributed pursuant to subsections (2), (3) and (4) of this section. Such distributions made pursuant to subsections (2), (3) and (4) of this section shall be made according to the allocations established in subsection (1) (b) of this section.

(e) For the purposes of this subsection, the term "statewide support units" shall mean the total number of support units calculated for the

purposes of distributing salary-based apportionment in the current fiscal year.

(f) In the event of a reduction in the moneys appropriated for certificated staff salaries, the calculations established pursuant to subsections (1) (b) through (d) of this section shall be performed in reverse.

(2) Share-based pay for performance bonuses for student achievement growth and excellence.

(a) Certificated employees shall be awarded state shares based on the performance of whole schools.

(i) Growth -- Utilizing a state longitudinal data system for students, the state department of education shall develop a system for measuring individual student growth. Such system shall compare spring student scores on the state-mandated summative achievement tests ("spring test") from one year to the next, and establish percentile rankings for individual student growth by comparing students with an identical spring test score in the previous year with each other in the current year. A separate growth percentile shall be established for each student for each subject in which the spring test is given in consecutive grades. The median student growth percentile, based on measuring all eligible students, shall be the growth score for each school. All certificated employees at a school with a median growth score in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	1.00 shares	2.00 shares
2nd Highest Quartile	0.50 shares	1.00 shares
3rd Highest Quartile	0.25 shares	0.50 shares
4th Highest Quartile	0.00 shares	0.00 shares

(ii) Excellence -- The state department of education shall develop a system for comparing and ranking school spring test scores based on standardized scores, utilizing all grades and subjects tested. Based on each school's median standardized score, all certificated employees of a school in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	0.50 shares	1.00 shares
2nd Highest Quartile	0.25 shares	0.50 shares
3rd Highest Quartile	0.00 shares	0.00 shares
4th Highest Quartile	0.00 shares	0.00 shares

(iii) No certificated instructional employee shall receive more than one (1.00) share, the results of the quartile award tables for growth and excellence notwithstanding. No certificated administrative employee shall receive more than two (2.00) shares, the results of the quartile award tables for growth and excellence notwithstanding.

(iv) Students whose spring test results are excluded from the school's results for federal accountability purposes shall be excluded from school growth and excellence calculations.

(v) For schools that do not administer the spring test, or for which no spring test growth calculation is possible, the school and its certificated employees shall be included with the school to which the students matriculate.

(vi) For certificated employees assigned more than one (1) school, state shares shall be earned pro rata, based on the percentage of the employee's time assigned to each school at the time that students take their spring tests. In addition, for part-time employees, state shares shall be earned pro rata, based on such employee's full-time equivalency status.

(vii) The number of schools in each quartile shall be based on the number of certificated employees employed at the schools, with as close to twenty-five percent (25%) of such employees falling within each quartile as possible.

(viii) For certificated employees not assigned to a specific school, all new employment contracts signed on or after July 1, 2011, shall provide that at least five percent (5%) of the total available compensation be based on growth in student achievement, as determined by the board of trustees. Such percentage shall increase to ten percent (10%) of the total available compensation for contracts signed on or after July 1, 2015, and fifteen percent (15%) for contracts signed on or after July 1, 2019.

(b) Local shares shall be awarded to certificated employees based on performance. Each board of trustees shall develop a plan for awarding local pay for performance shares in consultation with certificated employees. Local share awards to certificated instructional employees shall be based on the performance of groups of such employees, unless there is only one (1) such employee in the school district. No employee shall receive more than one (1.00) local share. For part-time employees, local shares shall be earned pro rata, based on such employee's full-time equivalency status. Local share awards shall be based on one (1) or more of the following measures:

(i) Student test scores;

(ii) Student graduation rate;

(iii) Student dropout rate;

(iv) Percent of graduates attending postsecondary education or entering military service;

(v) Making federally approved adequate yearly progress;

(vi) Number of students successfully completing dual credit or advanced placement classes;

(vii) Percent of students involved in extracurricular activities;

(viii) Class projects;

(ix) Portfolios;

(x) Successful completion of special student assignments;

(xi) Parental involvement;

(xii) Teacher-assigned grades; and



1 (xiii) Student attendance rate.

2 For any school district in which the board of trustees fails to adopt a  
3 plan for awarding local pay for performance shares by September 1, local  
4 shares awarded for performance in that school year shall be identical to  
5 the number of state shares awarded for each certificated employee.

6 (c) Individual pay for performance bonuses shall be calculated as fol-  
7 lows:

8 (i) Divide the moneys available for pay for performance bonuses  
9 by the total number of state shares earned by certificated employ-  
10 ees statewide.

11 (ii) To determine the amount of pay for performance bonus funds  
12 to distribute to each school district, multiply the result of  
13 subparagraph (i) of this subsection by the number of state shares  
14 earned by certificated employees in the school district.

15 (iii) To establish the value of a share in each school district,  
16 the school district shall divide the funds distributed by the  
17 state department of education pursuant to subparagraph (ii) of  
18 this subsection by the total number of state and local shares  
19 earned by all certificated employees who earned at least a frac-  
20 tion of both a state and local share.

21 (iv) Multiply the total number of state and local shares earned  
22 by each certificated employee of the school district who earned at  
23 least a fraction of a state and local share by the result of sub-  
24 paragraph (iii) of this subsection. Certificated employees who do  
25 not earn at least a fraction of both a state and local share shall  
26 not be eligible to receive a pay for performance bonus. Pay for  
27 performance bonuses shall be paid by school districts to qualify-  
28 ing certificated employees in a lump sum by no later than December  
29 15 following the spring test of the prior school year.

30 (3) Hard to fill position bonuses.

31 (a) The state board of education shall designate certificates and en-  
32 dorsements held by certificated instructional staff for hard to fill  
33 position bonuses. The board shall rank the certificates or endorse-  
34 ments to be so designated based on the relative difficulty of school  
35 districts' ability to recruit and retain such personnel. No additional  
36 certificates or endorsements may be added to the rankings beyond the  
37 first such certificate or endorsement that causes the number of cer-  
38 tificates or endorsements to equal or exceed one-third (1/3) of the  
39 total certificates and endorsements held by certificated instructional  
40 public school employees in the state. The board shall review and alter  
41 such rankings and designations at least once every two (2) years based  
42 on market conditions. Any changes in rankings and designations shall be  
43 made by the board by no later than March 31 of the previous school year,  
44 and school districts shall be promptly notified of any changes.

45 (b) School district boards of trustees may choose to designate certifi-  
46 cates and endorsements held by certificated instructional employees  
47 for hard to fill position bonuses, provided such certificates and en-  
48 dorsements have been so designated by the state board of education  
49 as provided in subsection (3)(a) of this section. School boards of  
50 trustees choosing to make such designations shall rank the certificates

1 and endorsements based on the relative difficulty of recruiting and re-  
2 taining such personnel. No additional certificates or endorsements may  
3 be added to the rankings beyond the first such certificate or endorse-  
4 ment that causes the number of the district's full-time equivalent em-  
5 ployees utilizing such certificates and endorsements to equal or exceed  
6 ten percent (10%) of the certificated instructional positions employed  
7 by the district; provided however, the number of such employees who may  
8 be designated shall not be less than one (1). The amount distributed  
9 for utilization by each district shall be based on each district's share  
10 of the total certificated instructional employees statewide. Funds so  
11 distributed shall be paid solely to certificated instructional person-  
12 nel holding the certifications and endorsements designated by the local  
13 school board, in amounts that shall be determined at the discretion of  
14 the local board, which may vary between, but not within, individual cer-  
15 tificate and endorsement areas; provided however, no award shall exceed  
16 twice the statewide average bonus paid per certificated instructional  
17 employee pursuant to subsection (2) of this section.

18 (c) School districts may apply to the state board of education to waive  
19 the requirement that a certificate or endorsement designated by the  
20 school district for hard to fill position bonuses first be designated  
21 for such by the state board of education. The state board of education  
22 may grant such a waiver for good and rational cause.

23 (d) In order to receive a hard to fill position bonus, an individual  
24 must actually be providing instruction or service within the designated  
25 certificate or endorsement area.

26 (e) If an individual qualifies for a hard to fill position bonus in more  
27 than one (1) certificate or endorsement, the individual shall be allo-  
28 cated and paid on a full-time equivalency basis, based on the relative  
29 time spent in each of the qualifying areas.

30 (f) School district boards of trustees choosing to utilize hard to fill  
31 position bonus funds shall designate a new list of certificates and en-  
32 dorsements for such bonuses for each school year by no later than June 11  
33 of the previous school year. The new list may be identical to the list  
34 from the previous school year, subject to the current ten percent (10%)  
35 limitation requirements.

36 (g) If the board of trustees determines that it will be unable to at-  
37 tract a qualified candidate to serve in a hard to fill position, even  
38 with the addition of such bonus funds, the board may use such funds  
39 to pay for the training and coursework needed by a currently unquali-  
40 fied employee or other individual to gain such qualification. If such  
41 payment is authorized, the amount paid for an individual in a fiscal  
42 year shall not exceed twice the statewide average bonus paid per cer-  
43 tificated instructional employee pursuant to subsection (2) of this  
44 section. The individual for whom training and coursework is paid in  
45 such manner must earn a passing grade for the training and coursework  
46 that is paid by the school district and must work for the school district  
47 at least one (1) year in the designated certificate or endorsement area  
48 for each fiscal year in which the school district made payments for  
49 training and coursework, or repay the funds.

1 (h) Hard to fill position bonuses shall be paid by school districts to  
 2 qualifying certificated instructional employees by no later than De-  
 3 cember 15, in a lump sum payment.

4 (4) Leadership awards.

5 (a) School district boards of trustees may designate up to twenty-five  
 6 percent (25%) of their certificated instructional employees for lead-  
 7 ership awards. Such awards shall recognize excellence, be valid only  
 8 for the fiscal year for which the awards are made and require one (1) or  
 9 more of the following additional duties:

- 10 (i) Teacher or other instructional staff mentoring;
- 11 (ii) Content leadership;
- 12 (iii) Lead teacher;
- 13 (iv) Peer teaching coach;
- 14 (v) Content specialist;
- 15 (vi) Remedial instructor;
- 16 (vii) Curriculum development;
- 17 (viii) Assessment development;
- 18 (ix) Data analysis;
- 19 (x) Grant writing;
- 20 (xi) Special program coordinator;
- 21 (xii) Research project;
- 22 (xiii) Teaching professional development course;
- 23 (xiv) Service on local/state/national education committee or
- 24 task force;
- 25 (xv) Providing leadership to a professional learning community;
- 26 and
- 27 (xvi) Earning national board certification.

28 Duties related to student activities and athletics shall not be eligi-  
 29 ble for leadership awards.

30 (b) Local school district boards of trustees shall require that the em-  
 31 ployee work additional time as a condition of the receipt of a leader-  
 32 ship award.

33 (c) Local school district boards of trustees may grant multiple lead-  
 34 ership awards with multiple additional duties. No employee, however,  
 35 shall receive leadership awards in excess of twice the statewide aver-  
 36 age bonus paid per certificated instructional employee pursuant to sub-  
 37 section (2) of this section.

38 (d) Leadership awards shall be paid by school districts to qualifying  
 39 certificated instructional employees in a lump sum payment upon comple-  
 40 tion of the additional duty.

41 (e) Employees with fewer than three (3) years of experience shall not be  
 42 eligible for leadership awards. The term "experience" shall be as used  
 43 for certificated instructional staff in section 33-1004A, Idaho Code.

44 (f) Notwithstanding the provisions of subsection (4) (a) through (e) of  
 45 this section, employees who earned national board certification prior  
 46 to July 1, 2011, and who are no longer receiving payments for earning  
 47 such certification pursuant to section 33-1004E, Idaho Code, due to the  
 48 repeal of the provision providing for such payments, shall be paid two  
 49 thousand dollars (\$2,000) per year from the moneys allocated pursuant  
 50 to this subsection (4) until all moneys that would have been paid un-

der the previous provisions of section 33-1004E, Idaho Code, have been paid.

(5) School districts may shift moneys between the allocations for subsections (3) and (4) of this section. The ten percent (10%) limitation established in subsection (3) of this section and the twenty-five percent (25%) limitation established in subsection (4) of this section shall be adjusted accordingly.

(6) All distributions of moneys to school districts shall be made as part of the third payment to school districts required by section 33-1009, Idaho Code.

(7) School districts shall not enter into any contract that discriminates against those receiving a bonus award pursuant to this section.

(8) The state department of education may require reports of information as needed to implement the provisions of this section and provide reports to the governor, the legislature and the public.

(9) For the purposes of this section, the term "school district" also means "public charter school," and the term "board of trustees" also means "board of directors."

SECTION 21. That Section 33-1020, Idaho Code, be, and the same is hereby amended to read as follows:

33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appropriated for the educational support program, an amount shall be distributed to support the Idaho digital learning academy, created pursuant to chapter 55, title 33, Idaho Code. For the purposes of this section, an "enrollment" shall be counted each time an Idaho school age child enrolls in an Idaho digital learning academy class. A single child enrolled in multiple classes shall count as multiple enrollments. Summer enrollments shall be included in the fiscal year that begins that summer. The amount distributed shall be calculated as follows:

(1) A fixed base amount shall be distributed, equal to the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by seven (7).

(2) A variable base amount shall be distributed each time the number of enrollments meets or exceeds an increment of five thousand (5,000). The amount so distributed shall be equal to the number of such increments, multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by four and thirty-three hundredths (4.33).

~~(3) A variable amount shall be distributed, equal to the number of enrollments multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, divided by one hundred forty-three (143).~~

The state department of education shall make an estimated distribution of funds to the Idaho digital learning academy by no later than July 31 of each fiscal year, consisting of eighty percent (80%) of the estimated funding for the fiscal year. The balance of all remaining funds to be distributed, pursuant to the calculations in this section, shall be distributed by no later than May 15 of the same fiscal year.

1       SECTION 22. That Chapter 10, Title 33, Idaho Code, be, and the same is  
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 3 ignated as Section 33-1021, Idaho Code, and to read as follows:

4       33-1021. MATH AND SCIENCE REQUIREMENT. In order to meet state gradua-  
 5 tion requirements regarding math and science courses, moneys shall be dis-  
 6 tributed to school districts to defray the cost of providing additional math  
 7 and science courses. Moneys so distributed shall be used to hire additional  
 8 high school math and science teachers or to defray costs associated with pro-  
 9 viding math and science courses to high school students. Moneys shall be  
 10 distributed to school districts from the moneys appropriated to the educa-  
 11 tional support program for each regular high school, not including alterna-  
 12 tive schools, based on the following criteria:

13       (1) For each school with enrollment of 99 or less, distribute the equiv-  
 14 alent of one ninth (1/9) of a classified staff position.

15       (2) For each school with enrollment of 100 to 159, distribute the equiv-  
 16 alent of one and one-quarter (1.25) of a classified staff position.

17       (3) For each school with enrollment of 160 to 319, distribute the equiv-  
 18 alent of two sevenths (2/7) of a classified staff position.

19       (4) For each school with enrollment of 320 to 639, distribute the equiv-  
 20 alent of one (1.0) instructional staff position, based on the statewide av-  
 21 erage funding per position.

22       (5) For each school with enrollment of 640 or more, distribute the  
 23 equivalent of one (1.0) instructional staff position, based on the statewide  
 24 average funding per position, and three-quarters (0.75) of a classified  
 25 staff position.

26 For the purposes of these school size classifications for regular high  
 27 schools that serve only grades 10-12, ninth grade students who will attend  
 28 the regular high school upon matriculating to tenth grade shall be included  
 29 as enrolled in the regular high school.

30       SECTION 23. That Chapter 10, Title 33, Idaho Code, be, and the same is  
 31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 32 ignated as Section 33-1022, Idaho Code, and to read as follows:

33       33-1022. PUBLIC SCHOOL TECHNOLOGY. (1) Moneys shall be expended or  
 34 distributed from the educational support program for public school technol-  
 35 ogy as follows:

36       (a) For fiscal year 2012, an amount equal to three hundred twenty (320)  
 37 multiplied by the per statewide support unit value of salary-based ap-  
 38 portionment and discretionary funds.

39       (b) For fiscal year 2013, an amount equal to three hundred seven (307)  
 40 multiplied by the per statewide support unit value of salary-based ap-  
 41 portionment and discretionary funds.

42       (c) For fiscal year 2014, an amount equal to one hundred sev-  
 43 enty-two (172) multiplied by the per statewide support unit value of  
 44 salary-based apportionment and discretionary funds.

45       (d) For fiscal year 2015, an amount equal to one hundred sev-  
 46 enty-two (172) multiplied by the per statewide support unit value of  
 47 salary-based apportionment and discretionary funds.

(e) For fiscal year 2016 and each fiscal year thereafter, an amount equal to one hundred forty (140) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds.

(2) For the purposes of subsection (1) of this section, the support unit figure used shall be statewide support units used to calculate the distribution of salary-based apportionment funds in the current fiscal year.

(3) Moneys expended or distributed pursuant to this section shall be utilized for one (1) or more of the following:

(a) Installation, repair, replacement and support of wireless technology in each public school serving grades 9-12, of sufficient capacity to support utilization of mobile computing devices by all students in such grades.

(b) High quality digital learning resources and software linked to state and local curricula, including model lesson plans, content and formative and summative assessments tied to rigorous college and career-ready standards.

(c) Classroom technology that assists teachers in the effective and efficient delivery of instruction.

(d) Safe and secure online knowledge sharing and collaboration systems.

(e) Professional development and training that promotes the effective use of technology by students, staff and parents, and the integration of technology into public school curricula and instructional methods.

(f) The development of plans at the school, district and statewide level for the improved use and integration of technology in learning. As part of this subsection, the superintendent of public instruction shall convene a task force to study and develop plans for the implementation of online course requirements and the provision and support of one-to-one mobile computing devices for students, including an examination of the experience of other states and school districts, beginning in the 2012-2013 school year. The superintendent shall report the findings, plans and recommendations of this task force, including any recommendations for changes to statute or rule, to the senate and house of representatives education committees by no later than January 31, 2012.

(4) The state superintendent of public instruction shall include information on the uses, planned uses and impact of moneys distributed pursuant to this section as part of the annual report required by section 33-4805, Idaho Code.

SECTION 24. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1626, Idaho Code, and to read as follows:

33-1626. DUAL CREDIT FOR EARLY COMPLETERS. Students completing all high school graduation requirements by no later than the start of the twelfth grade shall be eligible for up to thirty-six (36) postsecondary credits of dual credit courses during their twelfth grade year. Average daily attendance shall be counted as normal for such twelfth grade students for public school funding purposes. In addition, the state department of education shall distribute funds from the moneys appropriated for the educational

1 support program to defray the per credit cost charged for such dual credit  
2 courses by accredited postsecondary institutions. The amount so dis-  
3 tributed shall not exceed seventy-five dollars (\$75.00) per credit hour.

4 SECTION 25. That Chapter 16, Title 33, Idaho Code, be, and the same is  
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
6 ignated as Section 33-1627, Idaho Code, and to read as follows:

7 33-1627. ONLINE COURSES -- MOBILE COMPUTING DEVICES AND TEACHER  
8 TRAINING. (1) The legislature finds that in order to better provide students  
9 with the skills that they will need to be successful as students, employees,  
10 entrepreneurs and parents in the future, more exposure is needed to online  
11 learning and informational environments.

12 (2) Beginning with the ninth grade class of the 2012-2013 school year,  
13 students shall be required to successfully complete at least four (4) cred-  
14 its of online courses in order to graduate. The school district or public  
15 charter school may designate the required courses that students must suc-  
16 cessfully complete each school year, but may not prescribe the provider of  
17 such courses. The state board of education may provide for appropriate ex-  
18 emptions from this requirement, by rule.

19 (3) Beginning with the 2012-2013 school year, parents and guardians of  
20 secondary students shall have the right to enroll such students in any online  
21 course, with or without the permission of the school district or public char-  
22 ter school in which the student is enrolled, provided the following criteria  
23 are met:

24 (a) The course is offered by a provider accredited by the organization  
25 that accredits Idaho high schools, or an organization whose accredi-  
26 tation of providers is recognized by the organization that accredits  
27 Idaho high schools;

28 (b) The state department of education has verified that the teacher is  
29 certificated by the state of Idaho and is qualified to teach the course;

30 (c) The state department of education or the Idaho digital learning  
31 academy has verified that the course meets state content standards;

32 (d) The school district or public charter school in which the student is  
33 enrolled has been provided with notification of the student's enroll-  
34 ment in the online course no later than thirty (30) days prior to the end  
35 of the previous term, or no later than the end of the school year, in the  
36 case of a term ending at the end of the school year.

37 (4) A student's transcript at the school district or public charter  
38 school at which the student is enrolled shall include the credits earned and  
39 grades received by each student for any online courses taken pursuant to this  
40 section.

41 (5) In order to assist in providing students with access to online  
42 courses, the state department of education shall contract for the provision  
43 of mobile computing devices for each high school, equal to the number of  
44 ninth grade students, beginning with the ninth grade class of the 2012-2013  
45 school year. School districts and public charter schools in which high  
46 school begins in tenth grade may elect to have all of the provisions of this  
47 section that apply to ninth grade students apply instead to tenth grade stu-  
48 dents. School districts and public charter schools that already have one  
49 (1) mobile computing device for each student in grades 9-12 shall receive an

1 allocation of funds equal to the cost of purchasing such devices pursuant  
 2 to this section, in lieu of receiving such devices, to be used at the school  
 3 district or public charter school's discretion. The department shall use  
 4 the same laws, rules and policies in issuing and awarding such contract as  
 5 would an executive branch agency in which an appointed director reports di-  
 6 rectly to the governor. Such devices shall include technology that provides  
 7 for compliance with the provisions of section 33-132, Idaho Code. Such con-  
 8 tract shall also provide for the maintenance, repair and technical support  
 9 of such devices. The cost of such contract and distributions made pursuant  
 10 to this subsection shall be paid from the moneys appropriated for the educa-  
 11 tional support program. Each school district or public charter school shall  
 12 develop a policy on student use of the mobile computing devices outside of  
 13 the school day. Such policy shall be in compliance with the provisions of  
 14 section 33-132, Idaho Code. The state department of education shall develop  
 15 a policy addressing the issue of damage, loss, repair and replacement of the  
 16 mobile computing devices.

17 (6) The state department of education shall expend or distribute an  
 18 amount equal to ten and five-eighths ( $10 \frac{5}{8}$ ) multiplied by the per statewide  
 19 support unit value of salary-based apportionment and discretionary funds  
 20 for fiscal year 2013 through fiscal year 2016, from the amount appropriated  
 21 to the educational support program, to train high school staff in the use of  
 22 mobile computing devices by students in the classroom, and the integration  
 23 of such use into the curriculum. For the purposes of this subsection, the  
 24 support units used to calculate this statewide figure shall be the statewide  
 25 support units used to calculate the distribution of salary-based apportion-  
 26 ment funds in the current fiscal year.

27 (7) The state board of education shall promulgate rules to implement  
 28 the provisions of this section, including the development of digital citi-  
 29 zenship standards for students to which the graduation requirements of this  
 30 section apply.

31 SECTION 26. That Section 33-5208, Idaho Code, be, and the same is hereby  
 32 amended to read as follows:

33 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided  
 34 in subsection (8) of this section, from the state educational support pro-  
 35 gram the state department of education shall make the following apportion-  
 36 ment to each public charter school for each fiscal year based on attendance  
 37 figures submitted in a manner and time as required by the department of edu-  
 38 cation:

39 (1) Per student support. Computation of support units for each public  
 40 charter school shall be calculated as if it were a separate school accord-  
 41 ing to the schedules in section 33-1002(4), Idaho Code, except that public  
 42 charter schools with fewer than one hundred (100) secondary ADA shall use a  
 43 divisor of ~~twelve~~ thirteen and one-quarter ( $12\frac{1}{4}$ ) and the minimum units  
 44 shall not apply, and no public charter school shall receive an increase in  
 45 support units that exceeds the support units it received in the prior year  
 46 by more than thirty (30). Funding from the state educational support pro-  
 47 gram shall be equal to the total distribution factor, plus the salary-based  
 48 apportionment provided in chapter 10, title 33, Idaho Code. Provided how-  
 49 ever, any public charter school that is formed by the conversion of an exist-



1 ing traditional public school shall be assigned divisors, pursuant to sec-  
 2 tion 33-1002, Idaho Code, that are no lower than the divisors of the school  
 3 district in which the traditional public school is located, for each cate-  
 4 gory of pupils listed.

5 (2) Special education. For each student enrolled in the public charter  
 6 school who is entitled to special education services, the state and federal  
 7 funds from the exceptional child education program for that student that  
 8 would have been apportioned for that student to the school district in which  
 9 the public charter school is located.

10 (3) Alternative school support. Public charter schools may qualify un-  
 11 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided  
 12 the public charter school meets the necessary statutory requirements, and  
 13 students qualify for attendance at an alternative school as provided by rule  
 14 of the state board of education.

15 (4) Transportation support. Support shall be paid to the public char-  
 16 ter school as provided in chapter 15, title 33, Idaho Code, and section  
 17 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
 18 ment with an enrollment count as of the first Friday in November, of public  
 19 charter school students who are eligible for reimbursement of transporta-  
 20 tion costs under the provisions of this subsection and who reside more than  
 21 one and one-half (1 1/2) miles from the school. For charter schools in the  
 22 initial year of operation, the petition shall include a proposal for trans-  
 23 portation services with an estimated first year cost. The state department  
 24 of education is authorized to include in the annual appropriation to the  
 25 charter school sixty percent (60%) of the estimated transportation cost.  
 26 The final appropriation payment in July shall reflect reimbursements of ac-  
 27 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state  
 28 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-  
 29 dent to be transported must reside within the public charter school's atten-  
 30 dance zone, and must meet at least one (1) of the following two (2) criteria:

31 (a) The student resides within the school district in which the public  
 32 charter school is physically located; or

33 (b) The student resides within fifteen (15) miles of the public charter  
 34 school, by road.

35 The limitations placed by this subsection on the reimbursement of  
 36 transportation costs for certain students shall not apply to public virtual  
 37 schools.

38 (5) Payment schedule. The state department of education is authorized  
 39 to make an advance payment of twenty-five percent (25%) of a public charter  
 40 school's estimated annual apportionment for its first year of operation, and  
 41 each year thereafter, provided the public charter school has an increase of  
 42 student population in any given year of twenty (20) students or more, to as-  
 43 sist the school with initial start-up costs or payroll obligations.

44 (a) For a state public charter school to receive the advance payment,  
 45 the school shall submit its anticipated fall membership for each grade  
 46 level to the state department of education by June 1.

47 (b) Using the figures provided by the public charter school, the state  
 48 department of education shall determine an estimated annual apportion-  
 49 ment from which the amount of the advance payment shall be calculated.

1 Advance payment shall be made to the school on or after July 1 but no  
2 later than July 31.

3 (c) All subsequent payments, taking into account the one-time advance  
4 payment made for the first year of operation, shall be made to the public  
5 charter school in the same manner as other traditional public schools in  
6 accordance with the provisions of section 33-1009, Idaho Code.

7 A public charter school shall comply with all applicable fiscal requirements  
8 of law, except that the following provisions shall not be applicable to  
9 public charter schools: section 33-1003B, Idaho Code, relating to guaran-  
10 teed minimum support; that portion of section 33-1004, Idaho Code, relating  
11 to reduction of the administrative and instructional staff allowance when  
12 there is a discrepancy between the number allowed and the number actually em-  
13 ployed; and section 33-1004E, Idaho Code, for calculation of district staff  
14 indices.

15 (6) Nothing in this chapter shall be construed to prohibit any private  
16 person or organization from providing funding or other financial assistance  
17 to the establishment or operation of a public charter school.

18 (7) Nothing in this chapter shall prevent a public charter school from  
19 applying for federal grant moneys.

20 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-  
21 lic virtual schools shall be assigned divisors, pursuant to section  
22 33-1002, Idaho Code, that are no higher than the median divisor shown  
23 for each respective category of pupils, among the possible divisors  
24 listed, for each respective category of pupils that contains more than  
25 one (1) divisor. If there is an even number of possible divisors listed  
26 for a particular category of pupils, then the lesser of the two (2) me-  
27 dian divisors shall be used. For the period July 1, 2005, through June  
28 30, 2007, all public virtual schools shall be assigned divisors, pur-  
29 suant to section 33-1002, Idaho Code, that are no higher than the second  
30 highest divisor shown, among the possible divisors listed, for each  
31 respective category of pupils that contains more than one (1) divisor.  
32 The divisor provisions contained herein shall only be applicable to  
33 the number of pupils in average daily attendance in such public virtual  
34 schools for the period July 1, 2003, through June 30, 2004. If the num-  
35 ber of pupils in average daily attendance in any particular category  
36 of pupils increases, during the period July 1, 2004, through June 30,  
37 2005, to a number above that which existed in the prior fiscal year, then  
38 those additional pupils in average daily attendance shall be assigned  
39 the divisor, pursuant to section 33-1002, Idaho Code, that would have  
40 otherwise been assigned to the school district or public charter school  
41 had this section not been in force.

42 (b) Each student in attendance at a public virtual school shall be  
43 funded based upon either the actual hours of attendance in the public  
44 virtual school on a flexible schedule, or the percentage of coursework  
45 completed, whichever is more advantageous to the school, up to the maxi-  
46 mum of one (1) full-time equivalent student.

47 (c) All federal educational funds shall be administered and dis-  
48 tributed to public charter schools, including public virtual schools,  
49 that have been designated by the state board of education as a local edu-  
50 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

1       (9) Nothing in this section prohibits separate face-to-face learning  
2 activities or services.

3       SECTION 27. That Section 33-5208, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5       33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided  
6 in subsection (8) of this section, from the state educational support pro-  
7 gram the state department of education shall make the following apportion-  
8 ment to each public charter school for each fiscal year based on attendance  
9 figures submitted in a manner and time as required by the department of edu-  
10 cation:

11       (1) Per student support. Computation of support units for each public  
12 charter school shall be calculated as if it were a separate school according  
13 to the schedules in section 33-1002(4), Idaho Code, except that public char-  
14 ter schools with fewer than one hundred (100) secondary ADA shall use a di-  
15 visor of ~~twelve~~ fourteen and two-tenths (124.2) and the minimum units shall  
16 not apply, and no public charter school shall receive an increase in sup-  
17 port units that exceeds the support units it received in the prior year by  
18 more than thirty (30). Funding from the state educational support program  
19 shall be equal to the total distribution factor, plus the salary-based ap-  
20 portionment provided in chapter 10, title 33, Idaho Code. Provided however,  
21 any public charter school that is formed by the conversion of an existing  
22 traditional public school shall be assigned divisors, pursuant to section  
23 33-1002, Idaho Code, that are no lower than the divisors of the school dis-  
24 trict in which the traditional public school is located, for each category of  
25 pupils listed.

26       (2) Special education. For each student enrolled in the public charter  
27 school who is entitled to special education services, the state and federal  
28 funds from the exceptional child education program for that student that  
29 would have been apportioned for that student to the school district in which  
30 the public charter school is located.

31       (3) Alternative school support. Public charter schools may qualify un-  
32 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided  
33 the public charter school meets the necessary statutory requirements, and  
34 students qualify for attendance at an alternative school as provided by rule  
35 of the state board of education.

36       (4) Transportation support. Support shall be paid to the public char-  
37 ter school as provided in chapter 15, title 33, Idaho Code, and section  
38 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
39 ment with an enrollment count as of the first Friday in November, of public  
40 charter school students who are eligible for reimbursement of transporta-  
41 tion costs under the provisions of this subsection and who reside more than  
42 one and one-half (1 1/2) miles from the school. For charter schools in the  
43 initial year of operation, the petition shall include a proposal for trans-  
44 portation services with an estimated first year cost. The state department  
45 of education is authorized to include in the annual appropriation to the  
46 charter school sixty percent (60%) of the estimated transportation cost.  
47 The final appropriation payment in July shall reflect reimbursements of ac-  
48 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state  
49 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-

1     dent to be transported must reside within the public charter school's atten-  
 2     dance zone, and must meet at least one (1) of the following two (2) criteria:

3         (a) The student resides within the school district in which the public  
 4         charter school is physically located; or

5         (b) The student resides within fifteen (15) miles of the public charter  
 6         school, by road.

7     The limitations placed by this subsection on the reimbursement of  
 8     transportation costs for certain students shall not apply to public virtual  
 9     schools.

10     (5) Payment schedule. The state department of education is authorized  
 11     to make an advance payment of twenty-five percent (25%) of a public charter  
 12     school's estimated annual apportionment for its first year of operation, and  
 13     each year thereafter, provided the public charter school has an increase of  
 14     student population in any given year of twenty (20) students or more, to as-  
 15     sist the school with initial start-up costs or payroll obligations.

16         (a) For a state public charter school to receive the advance payment,  
 17         the school shall submit its anticipated fall membership for each grade  
 18         level to the state department of education by June 1.

19         (b) Using the figures provided by the public charter school, the state  
 20         department of education shall determine an estimated annual apportion-  
 21         ment from which the amount of the advance payment shall be calculated.  
 22         Advance payment shall be made to the school on or after July 1 but no  
 23         later than July 31.

24         (c) All subsequent payments, taking into account the one-time advance  
 25         payment made for the first year of operation, shall be made to the public  
 26         charter school in the same manner as other traditional public schools in  
 27         accordance with the provisions of section 33-1009, Idaho Code.

28     A public charter school shall comply with all applicable fiscal requirements  
 29     of law, except that the following provisions shall not be applicable to  
 30     public charter schools: section 33-1003B, Idaho Code, relating to guaran-  
 31     teed minimum support; that portion of section 33-1004, Idaho Code, relating  
 32     to reduction of the administrative and instructional staff allowance when  
 33     there is a discrepancy between the number allowed and the number actually em-  
 34     ployed; and section 33-1004E, Idaho Code, for calculation of district staff  
 35     indices.

36     (6) Nothing in this chapter shall be construed to prohibit any private  
 37     person or organization from providing funding or other financial assistance  
 38     to the establishment or operation of a public charter school.

39     (7) Nothing in this chapter shall prevent a public charter school from  
 40     applying for federal grant moneys.

41     (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-  
 42     lic virtual schools shall be assigned divisors, pursuant to section  
 43     33-1002, Idaho Code, that are no higher than the median divisor shown  
 44     for each respective category of pupils, among the possible divisors  
 45     listed, for each respective category of pupils that contains more than  
 46     one (1) divisor. If there is an even number of possible divisors listed  
 47     for a particular category of pupils, then the lesser of the two (2) me-  
 48     dian divisors shall be used. For the period July 1, 2005, through June  
 49     30, 2007, all public virtual schools shall be assigned divisors, pur-  
 50     suant to section 33-1002, Idaho Code, that are no higher than the second

highest divisor shown, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. The divisor provisions contained herein shall only be applicable to the number of pupils in average daily attendance in such public virtual schools for the period July 1, 2003, through June 30, 2004. If the number of pupils in average daily attendance in any particular category of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section 33-1002, Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.

(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

SECTION 28. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of ~~twelve~~ fourteen and three-tenths (124.3) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that

1 would have been apportioned for that student to the school district in which  
2 the public charter school is located.

3 (3) Alternative school support. Public charter schools may qualify un-  
4 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided  
5 the public charter school meets the necessary statutory requirements, and  
6 students qualify for attendance at an alternative school as provided by rule  
7 of the state board of education.

8 (4) Transportation support. Support shall be paid to the public char-  
9 ter school as provided in chapter 15, title 33, Idaho Code, and section  
10 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
11 ment with an enrollment count as of the first Friday in November, of public  
12 charter school students who are eligible for reimbursement of transporta-  
13 tion costs under the provisions of this subsection and who reside more than  
14 one and one-half (1 1/2) miles from the school. For charter schools in the  
15 initial year of operation, the petition shall include a proposal for trans-  
16 portation services with an estimated first year cost. The state department  
17 of education is authorized to include in the annual appropriation to the  
18 charter school sixty percent (60%) of the estimated transportation cost.  
19 The final appropriation payment in July shall reflect reimbursements of ac-  
20 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state  
21 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-  
22 dent to be transported must reside within the public charter school's atten-  
23 dance zone, and must meet at least one (1) of the following two (2) criteria:

24 (a) The student resides within the school district in which the public  
25 charter school is physically located; or

26 (b) The student resides within fifteen (15) miles of the public charter  
27 school, by road.

28 The limitations placed by this subsection on the reimbursement of  
29 transportation costs for certain students shall not apply to public virtual  
30 schools.

31 (5) Payment schedule. The state department of education is authorized  
32 to make an advance payment of twenty-five percent (25%) of a public charter  
33 school's estimated annual apportionment for its first year of operation, and  
34 each year thereafter, provided the public charter school has an increase of  
35 student population in any given year of twenty (20) students or more, to as-  
36 sist the school with initial start-up costs or payroll obligations.

37 (a) For a state public charter school to receive the advance payment,  
38 the school shall submit its anticipated fall membership for each grade  
39 level to the state department of education by June 1.

40 (b) Using the figures provided by the public charter school, the state  
41 department of education shall determine an estimated annual apportion-  
42 ment from which the amount of the advance payment shall be calculated.  
43 Advance payment shall be made to the school on or after July 1 but no  
44 later than July 31.

45 (c) All subsequent payments, taking into account the one-time advance  
46 payment made for the first year of operation, shall be made to the public  
47 charter school in the same manner as other traditional public schools in  
48 accordance with the provisions of section 33-1009, Idaho Code.

49 A public charter school shall comply with all applicable fiscal requirements  
50 of law, except that the following provisions shall not be applicable to

1 public charter schools: section 33-1003B, Idaho Code, relating to guaran-  
 2 teed minimum support; that portion of section 33-1004, Idaho Code, relating  
 3 to reduction of the administrative and instructional staff allowance when  
 4 there is a discrepancy between the number allowed and the number actually em-  
 5 ployed; and section 33-1004E, Idaho Code, for calculation of district staff  
 6 indices.

7 (6) Nothing in this chapter shall be construed to prohibit any private  
 8 person or organization from providing funding or other financial assistance  
 9 to the establishment or operation of a public charter school.

10 (7) Nothing in this chapter shall prevent a public charter school from  
 11 applying for federal grant moneys.

12 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-  
 13 lic virtual schools shall be assigned divisors, pursuant to section  
 14 33-1002, Idaho Code, that are no higher than the median divisor shown  
 15 for each respective category of pupils, among the possible divisors  
 16 listed, for each respective category of pupils that contains more than  
 17 one (1) divisor. If there is an even number of possible divisors listed  
 18 for a particular category of pupils, then the lesser of the two (2) me-  
 19 dian divisors shall be used. For the period July 1, 2005, through June  
 20 30, 2007, all public virtual schools shall be assigned divisors, pur-  
 21 suant to section 33-1002, Idaho Code, that are no higher than the second  
 22 highest divisor shown, among the possible divisors listed, for each  
 23 respective category of pupils that contains more than one (1) divisor.  
 24 The divisor provisions contained herein shall only be applicable to  
 25 the number of pupils in average daily attendance in such public virtual  
 26 schools for the period July 1, 2003, through June 30, 2004. If the num-  
 27 ber of pupils in average daily attendance in any particular category  
 28 of pupils increases, during the period July 1, 2004, through June 30,  
 29 2005, to a number above that which existed in the prior fiscal year, then  
 30 those additional pupils in average daily attendance shall be assigned  
 31 the divisor, pursuant to section 33-1002, Idaho Code, that would have  
 32 otherwise been assigned to the school district or public charter school  
 33 had this section not been in force.

34 (b) Each student in attendance at a public virtual school shall be  
 35 funded based upon either the actual hours of attendance in the public  
 36 virtual school on a flexible schedule, or the percentage of coursework  
 37 completed, whichever is more advantageous to the school, up to the maxi-  
 38 mum of one (1) full-time equivalent student.

39 (c) All federal educational funds shall be administered and dis-  
 40 tributed to public charter schools, including public virtual schools,  
 41 that have been designated by the state board of education as a local edu-  
 42 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

43 (9) Nothing in this section prohibits separate face-to-face learning  
 44 activities or services.

45 SECTION 29. That Section 33-5208, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

47 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided  
 48 in subsection (8) of this section, from the state educational support pro-  
 49 gram the state department of education shall make the following apportion-

1 ment to each public charter school for each fiscal year based on attendance  
2 figures submitted in a manner and time as required by the department of edu-  
3 cation:

4 (1) Per student support. Computation of support units for each public  
5 charter school shall be calculated as if it were a separate school accord-  
6 ing to the schedules in section 33-1002(4), Idaho Code, except that public  
7 charter schools with fewer than one hundred (100) secondary ADA shall use  
8 a divisor of ~~twelve~~ fourteen and four-tenths (124.4) and the minimum units  
9 shall not apply, and no public charter school shall receive an increase in  
10 support units that exceeds the support units it received in the prior year  
11 by more than thirty (30). Funding from the state educational support pro-  
12 gram shall be equal to the total distribution factor, plus the salary-based  
13 apportionment provided in chapter 10, title 33, Idaho Code. Provided how-  
14 ever, any public charter school that is formed by the conversion of an exist-  
15 ing traditional public school shall be assigned divisors, pursuant to sec-  
16 tion 33-1002, Idaho Code, that are no lower than the divisors of the school  
17 district in which the traditional public school is located, for each cate-  
18 gory of pupils listed.

19 (2) Special education. For each student enrolled in the public charter  
20 school who is entitled to special education services, the state and federal  
21 funds from the exceptional child education program for that student that  
22 would have been apportioned for that student to the school district in which  
23 the public charter school is located.

24 (3) Alternative school support. Public charter schools may qualify un-  
25 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided  
26 the public charter school meets the necessary statutory requirements, and  
27 students qualify for attendance at an alternative school as provided by rule  
28 of the state board of education.

29 (4) Transportation support. Support shall be paid to the public char-  
30 ter school as provided in chapter 15, title 33, Idaho Code, and section  
31 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
32 ment with an enrollment count as of the first Friday in November, of public  
33 charter school students who are eligible for reimbursement of transporta-  
34 tion costs under the provisions of this subsection and who reside more than  
35 one and one-half (1 1/2) miles from the school. For charter schools in the  
36 initial year of operation, the petition shall include a proposal for trans-  
37 portation services with an estimated first year cost. The state department  
38 of education is authorized to include in the annual appropriation to the  
39 charter school sixty percent (60%) of the estimated transportation cost.  
40 The final appropriation payment in July shall reflect reimbursements of ac-  
41 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state  
42 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-  
43 dent to be transported must reside within the public charter school's atten-  
44 dance zone, and must meet at least one (1) of the following two (2) criteria:

45 (a) The student resides within the school district in which the public  
46 charter school is physically located; or

47 (b) The student resides within fifteen (15) miles of the public charter  
48 school, by road.



1       The limitations placed by this subsection on the reimbursement of  
2 transportation costs for certain students shall not apply to public virtual  
3 schools.

4       (5) Payment schedule. The state department of education is authorized  
5 to make an advance payment of twenty-five percent (25%) of a public charter  
6 school's estimated annual apportionment for its first year of operation, and  
7 each year thereafter, provided the public charter school has an increase of  
8 student population in any given year of twenty (20) students or more, to as-  
9 sist the school with initial start-up costs or payroll obligations.

10       (a) For a state public charter school to receive the advance payment,  
11 the school shall submit its anticipated fall membership for each grade  
12 level to the state department of education by June 1.

13       (b) Using the figures provided by the public charter school, the state  
14 department of education shall determine an estimated annual apportion-  
15 ment from which the amount of the advance payment shall be calculated.  
16 Advance payment shall be made to the school on or after July 1 but no  
17 later than July 31.

18       (c) All subsequent payments, taking into account the one-time advance  
19 payment made for the first year of operation, shall be made to the public  
20 charter school in the same manner as other traditional public schools in  
21 accordance with the provisions of section 33-1009, Idaho Code.

22 A public charter school shall comply with all applicable fiscal requirements  
23 of law, except that the following provisions shall not be applicable to  
24 public charter schools: section 33-1003B, Idaho Code, relating to guaran-  
25 teed minimum support; that portion of section 33-1004, Idaho Code, relating  
26 to reduction of the administrative and instructional staff allowance when  
27 there is a discrepancy between the number allowed and the number actually em-  
28 ployed; and section 33-1004E, Idaho Code, for calculation of district staff  
29 indices.

30       (6) Nothing in this chapter shall be construed to prohibit any private  
31 person or organization from providing funding or other financial assistance  
32 to the establishment or operation of a public charter school.

33       (7) Nothing in this chapter shall prevent a public charter school from  
34 applying for federal grant moneys.

35       (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-  
36 lic virtual schools shall be assigned divisors, pursuant to section  
37 33-1002, Idaho Code, that are no higher than the median divisor shown  
38 for each respective category of pupils, among the possible divisors  
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46 respective category of pupils that contains more than one (1) divisor.  
47 The divisor provisions contained herein shall only be applicable to  
48 the number of pupils in average daily attendance in such public virtual  
49 schools for the period July 1, 2003, through June 30, 2004. If the num-  
50 ber of pupils in average daily attendance in any particular category

of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section 33-1002, Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.

(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

SECTION 30. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of ~~twelve~~ fourteen and one-half (124.5) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and

1 students qualify for attendance at an alternative school as provided by rule  
2 of the state board of education.

3 (4) Transportation support. Support shall be paid to the public char-  
4 ter school as provided in chapter 15, title 33, Idaho Code, and section  
5 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
6 ment with an enrollment count as of the first Friday in November, of public  
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8 tion costs under the provisions of this subsection and who reside more than  
9 one and one-half (1 1/2) miles from the school. For charter schools in the  
10 initial year of operation, the petition shall include a proposal for trans-  
11 portation services with an estimated first year cost. The state department  
12 of education is authorized to include in the annual appropriation to the  
13 charter school sixty percent (60%) of the estimated transportation cost.  
14 The final appropriation payment in July shall reflect reimbursements of ac-  
15 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state  
16 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-  
17 dent to be transported must reside within the public charter school's atten-  
18 dance zone, and must meet at least one (1) of the following two (2) criteria:

19 (a) The student resides within the school district in which the public  
20 charter school is physically located; or

21 (b) The student resides within fifteen (15) miles of the public charter  
22 school, by road.

23 The limitations placed by this subsection on the reimbursement of  
24 transportation costs for certain students shall not apply to public virtual  
25 schools.

26 (5) Payment schedule. The state department of education is authorized  
27 to make an advance payment of twenty-five percent (25%) of a public charter  
28 school's estimated annual apportionment for its first year of operation, and  
29 each year thereafter, provided the public charter school has an increase of  
30 student population in any given year of twenty (20) students or more, to as-  
31 sist the school with initial start-up costs or payroll obligations.

32 (a) For a state public charter school to receive the advance payment,  
33 the school shall submit its anticipated fall membership for each grade  
34 level to the state department of education by June 1.

35 (b) Using the figures provided by the public charter school, the state  
36 department of education shall determine an estimated annual apportion-  
37 ment from which the amount of the advance payment shall be calculated.  
38 Advance payment shall be made to the school on or after July 1 but no  
39 later than July 31.

40 (c) All subsequent payments, taking into account the one-time advance  
41 payment made for the first year of operation, shall be made to the public  
42 charter school in the same manner as other traditional public schools in  
43 accordance with the provisions of section 33-1009, Idaho Code.

44 A public charter school shall comply with all applicable fiscal requirements  
45 of law, except that the following provisions shall not be applicable to  
46 public charter schools: section 33-1003B, Idaho Code, relating to guaran-  
47 teed minimum support; that portion of section 33-1004, Idaho Code, relating  
48 to reduction of the administrative and instructional staff allowance when  
49 there is a discrepancy between the number allowed and the number actually em-

1   played; and section 33-1004E, Idaho Code, for calculation of district staff  
2   indices.

3       (6) Nothing in this chapter shall be construed to prohibit any private  
4   person or organization from providing funding or other financial assistance  
5   to the establishment or operation of a public charter school.

6       (7) Nothing in this chapter shall prevent a public charter school from  
7   applying for federal grant moneys.

8       (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-  
9   lic virtual schools shall be assigned divisors, pursuant to section  
10   33-1002, Idaho Code, that are no higher than the median divisor shown  
11   for each respective category of pupils, among the possible divisors  
12   listed, for each respective category of pupils that contains more than  
13   one (1) divisor. If there is an even number of possible divisors listed  
14   for a particular category of pupils, then the lesser of the two (2) me-  
15   dian divisors shall be used. For the period July 1, 2005, through June  
16   30, 2007, all public virtual schools shall be assigned divisors, pur-  
17   suant to section 33-1002, Idaho Code, that are no higher than the second  
18   highest divisor shown, among the possible divisors listed, for each  
19   respective category of pupils that contains more than one (1) divisor.  
20   The divisor provisions contained herein shall only be applicable to  
21   the number of pupils in average daily attendance in such public virtual  
22   schools for the period July 1, 2003, through June 30, 2004. If the num-  
23   ber of pupils in average daily attendance in any particular category  
24   of pupils increases, during the period July 1, 2004, through June 30,  
25   2005, to a number above that which existed in the prior fiscal year, then  
26   those additional pupils in average daily attendance shall be assigned  
27   the divisor, pursuant to section 33-1002, Idaho Code, that would have  
28   otherwise been assigned to the school district or public charter school  
29   had this section not been in force.

30       (b) Each student in attendance at a public virtual school shall be  
31   funded based upon either the actual hours of attendance in the public  
32   virtual school on a flexible schedule, or the percentage of coursework  
33   completed, whichever is more advantageous to the school, up to the maxi-  
34   mum of one (1) full-time equivalent student.

35       (c) All federal educational funds shall be administered and dis-  
36   tributed to public charter schools, including public virtual schools,  
37   that have been designated by the state board of education as a local edu-  
38   cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

39       (9) Nothing in this section prohibits separate face-to-face learning  
40   activities or services.

41       SECTION 31. That Chapter 52, Title 33, Idaho Code, be, and the same is  
42   hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
43   ignated as Section 33-5216, Idaho Code, and to read as follows:

44       33-5216. PUBLIC POSTSECONDARY INSTITUTIONS -- PUBLIC CHARTER HIGH  
45   SCHOOLS. (1) Any public postsecondary institution located in this state is  
46   hereby authorized to operate a public charter high school in Idaho. The pro-  
47   visions of chapter 52, title 33, Idaho Code, shall apply to each such public  
48   charter high school in the same manner and to the same extent as the provi-  
49   sions of charter school law apply to other public charter schools, with the

1 exception of certain conditions and applications as specifically provided  
2 in this section.

3 (2) A public postsecondary institution may petition to establish a pub-  
4 lic charter high school to the state board of education or to the local board  
5 of trustees. Any provision or reference to the public charter school commis-  
6 sion found in chapter 52, title 33, Idaho Code, shall mean, for the purposes  
7 of this section, the state board of education.

8 (3) The president or chief executive officer of such postsecondary in-  
9 stitution, or his designee(s), shall serve as the board of trustees of any  
10 public charter high school opened for educational instruction pursuant to  
11 this section.

12 (4) For the purposes of this section, the term "high school" means a  
13 school serving any grades from ninth grade or higher.

14 SECTION 32. Nothing in this act shall prevent the Legislature from  
15 adjusting any component of any public school funding formula in any fiscal  
16 year, pursuant to the needs of public schools and the constitutional re-  
17 quirement that the state of Idaho maintain a balanced budget.

18 SECTION 33. SEVERABILITY. The provisions of this act are hereby de-  
19 clared to be severable and if any provision of this act or the application  
20 of such provision to any person or circumstance is declared invalid for any  
21 reason, such declaration shall not affect the validity of the remaining por-  
22 tions of this act.

23 SECTION 34. Sections 1, 2, 3, 4, 10, 14, 15, 18, 22, 23, 24, 25, 26, 31,  
24 32 and 33 of this act shall be in full force and effect on and after July 1,  
25 2011. Sections 5, 9, 11, 16, 19, 20, 21, and 27 of this act shall be in full  
26 force and effect on and after July 1, 2012. Sections 6, 12, 17 and 28 of this  
27 act shall be in full force and effect on and after July 1, 2013. Sections 7,  
28 13 and 29 of this act shall be in full force and effect on and after July 1,  
29 2014. Sections 8 and 30 of this act shall be in full force and effect on and  
30 after July 1, 2015.